

MINUTES
OF THE
ENVIRONMENTAL PROTECTION COMMISSION
MEETING

DECEMBER 17, 2001

COMMUNITY BUILDING
1601 INDUSTRIAL ROAD
BOONE, IOWA

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MEETING MINUTES

CALL TO ORDER

The meeting of the Environmental Protection Commission was called to order by Chairman Townsend at 11:00 a.m. on Monday, December 17, 2001, in the Community Building at the Boone County Fair Grounds, Boone, Iowa.

MEMBERS PRESENT

James Braun
Lisa Davis Cook
Lori Glanzman
Darrell Hanson
Kathryn Murphy, Vice-Chair
Kelly Tobin
Terrance Townsend, Chair - left at 4:15 p.m.
Rita Venner, Secretary

MEMBERS ABSENT

Gary Priebe called to say he was ill and would not be able to attend.

ADOPTION OF AGENDA

The following adjustments were made to the agenda:

- Add: Appointment – Cindy Turkle 11:30 a.m.

Motion was made by Rita Venner to approve the agenda as amended. Seconded by Lori Glanzman. Motion carried unanimously.

APPROVED AS AMENDED

APPROVAL OF MINUTES

Motion was made by James Braun to approve the minutes of November 19, 2001 and November 21, 2001 as presented. Seconded by Kathryn Murphy. Motion carried unanimously.

APPROVED AS PRESENTED

CONTRACT - U. S. ARMY CORPS OF ENGINEERS - WATER QUALITY MONITORING

Larry Bean, Division Administrator, Energy and Geological Resources Division presented the following item.

The Department requests Commission approval of a Memorandum of Agreement in the amount of \$44,000 between the U.S. Army Corps of Engineers, Rock Island District, and the Department for water quality monitoring.

The purpose of the Memorandum of Agreement (MOA) is to supplement the U.S. Army Corps of Engineers (COE) water quality monitoring at eleven sites associated with Coralville, Red Rock, and Saylorville Reservoirs. Flat budgeting by the COE over a number of years has reduced the number of parameters measured at their long-term monitoring sites. These eleven COE sites are extremely valuable because they represent the longest monitoring records in the state. This MOA restores monitoring for five parameters: total phosphate, dissolved orthophosphate, total nitrogen, dissolved silica and total organic carbon. These parameters provide critical information on the movement of nutrients in Iowa streams. The agreement between the COE and DNR also insures comparability in monitoring efforts conducted by the two agencies. The supplemental MOA is an on-going project and has been in place since fiscal year 2000.

Funding for this agreement is available from the RIIF State funds appropriated as part of the Iowa Water Quality Initiative.

Larry Bean introduced Mary Skopec, Section Supervisor of the Water Monitoring Section.

Mary Skopec briefed the Commission on the contract.

Motion was made by James Braun to approve the contract as presented. Seconded by Lori Glanzman. Motion carried unanimously.

APPROVED AS PRESENTED

CONTRACT – TRIATHLON OF VANCOUVER, IOWA COLOR-INFRARED DIGITAL ORTHOPHOTOGRAPHY PROJECT

Larry Bean, Division Administrator, Energy and Geological Resources Division presented the following item.

The Department requests Commission approval of a contract leading to the departmental acquisition of Color-Infrared Digital Orthophotography for the entire State of Iowa in 2002. The entire project is expected to cost about \$1,200,000 with funds coming from various private, non-profit and government entities. DNR's contribution includes \$200,000 from the water monitoring program, \$200,000 from the 319 program and \$50,000 from the watershed GIS program.

The Iowa Color-infrared Digital Orthophotography Project (ICDOP) is a cooperative venture, spearheaded by DNR, designed to collect current aerial imagery of the state and make it usable in geographic information systems as digital orthophotography. Aerial photography contains a vast amount of information about the current use of land that is relevant to all types of natural

resource issues. Aerial photographs will be extremely useful to help interpret the monitoring data being collected from our rivers and lakes. It will also be invaluable to many DNR programs including watershed studies, TMDL planning, the non-point program, implementation of conservation practices, wetland and habitat assessments, and many fish and wildlife programs. The imagery will be available to the public via the Internet.

Triathlon of Vancouver, Canada was selected as the project vendor and the Department of General Services prepared a state contract. A letter authorizing commencement of work is ready to be sent to the vendor upon approval of dispersion of funds by the Commission.

The ICDOP is a cooperative funding effort co-sponsored by Iowa DNR and the Iowa Geographic Information Council's Remote Sensing Committee. Financial contributors include: Alliant Energy (\$200,000), Iowa Emergency Management Division (\$75,000), Rathbun Regional Water (\$50,000), US Fish & Wildlife Service (\$15,000), and Ducks Unlimited (\$5,000). Other cooperators and contributors are expected later in the year. This project is being conducted in partnership with U.S. Geological Survey, National Mapping Division.

Funding is available from RIIF state funds as a part of the Iowa Water Quality Initiative and EPA 319 program.

Larry Bean introduced Jim Giglierano, Section Supervisor of the Geographic Information Section.

Jim Giglierano said the current digital orthophotographs that are used in several DNR programs are based on 1990-1994 photography and are therefore out of date. The Geographic Information Section has put together a coalition of funding sources from various agencies, public and private industries to acquire new photographs using today's technology. The Department received eleven bids but Triathlon of Vancouver, Canada offered the most advanced product at the lowest cost. The new photographs will be available to the public through the Internet free of charge.

Motion was made by Kathryn Murphy to approve the contract as presented. Seconded by Darrell Hanson . Motion carried unanimously.

APPROVED AS PRESENTED

FINAL RULE --CHAPTER 134, CERTIFICATION OF GROUNDWATER PROFESSIONALS

Liz Christiansen, Division Administrator, Land Quality and Waste Management Assistance Division, presented the following item.

The Director requests the Commission to adopt and file the enclosed amendments to Chapter 134. The rule amendments update the rules. The amendments came before the commission for Notice of Intended Action at the September 2001 meeting. No changes have been made to the amendments.

Rules specific to the transition from registration to certification of groundwater professionals are being removed. Also, professional engineers will be required to take the RBCA course of instruction prior to receiving certification. During the transition to certification they were allowed to take the course anytime during the first year of certification. In addition, language is being added to clarify continuing education requirements and require anyone who fails the certification examination a second time to retake the RBCA course.

A public hearing was held November 6, 2001. No one attended the hearing. One written comment was received. The commentator's interpretation of the Code of Iowa would require certified groundwater professionals that submit remediation plans and reports to be professional engineers. The commentator recommended chapter 134 be modified accordingly. This issue has been raised before and has been discussed with the Engineering Board of Examiners. We consider the legislation requiring the certification of individuals conducting assessment and remediation work at underground storage tank sites to be specific in nature. The legislation supercedes the requirement for plans and reports to be submitted by a professional engineer.

(A copy of the final rule is available in the Department's Record Center.)

Liz Christiansen said no changes had been made to the rule since it was presented to the Commission for Notice of Intended Action. She said the Department received one written comment requesting that Certified Groundwater Professionals be professional engineers, however the legislation that requires the Department to set up this system is specific in nature and supercedes the requirement that the plans and specifications be submitted by a professional engineer. She said the changes would require groundwater professionals to take a Risk Based Education course and would require anyone who fails a certification exam for a second time to retake the Risk Based Education Course

Motion was made by Kelly Tobin to approve the final rule as presented. Seconded by James Braun. Motion carried unanimously.

APPROVED AS PRESENTED

FINAL RULE --CHAPTER 135, TECHNICAL STANDARDS AND CORRECTIVE ACTION REQUIREMENTS FOR OWNERS AND OPERATORS OF UNDERGROUND STORAGE TANKS

Liz Christiansen, Division Administrator, Land Quality and Waste Management Assistance Division, presented the following item.

The Director requests the Commission to adopt and file the enclosed amendments to Chapter 135. The rule amendments incorporate the changes made by 2001 Iowa Acts, House File 636, sections (1) and (2) and made effective July 1, 2001. The amendments were filed for Notice of Intended Action by the commission at the September 2001 meeting. No changes have been made to the amendments.

House File 636 made it unlawful for a person to deposit a regulated substance in an underground storage tank after being notified by the department the tank is not covered by an approved form of financial responsibility such as insurance. The \$25 additional registration fee for failing to register a tank increased to \$250 and now applies for failure to obtain annual tank tags. Tank installers and owners or operators are now required to notify the department prior to installing an underground storage tank. These changes are being incorporated into the rules.

(A copy of the final rule is available in the Department's Record Center.)

Liz Christiansen said the Department had not made any changes to the rule since it had been brought to the Commission as a notice of intended action. The public hearing was held but no comments were received.

Motion was made by James Braun to approve the final rule as presented. Seconded by Kathryn Murphy. Motion carried unanimously.

APPROVED AS PRESENTED

NOTICE OF INTENDED ACTION--CHAPTER 136, FINANCIAL RESPONSIBILITY FOR UNDERGROUND STORAGE TANKS

Liz Christiansen, Division Administrator for Land Quality and Waste Management Division, presented the following item.

The Director requests the Commission give Notice of Intended Action for the enclosed amendments to Chapter 136. The rule amendments update the rules. They were presented as an informational item at the last commission meeting.

The amendments remove old compliance dates to meet financial responsibility requirements that are no longer needed. Reference to state assurance fund is being removed since Iowa's Underground Storage tank Fund no longer issues insurance.

A new requirement requires providers of financial responsibility to copy the department when notice of termination of coverage is sent to tank owners or operators. Existing rules establish a 60-day grace period for insurance mechanisms and a 120-day grace period for other mechanisms such as surety bonds, guarantees and letters of credit during which termination of coverage is not effective. The owner or operator is required to notify the department within 60 days after receiving notice of termination if alternative coverage is not obtained. The department has yet to be notified by an owner or operator of losing financial responsibility. Reliance on notice from the owner or operator has proven to be ineffective in enforcing and monitoring maintenance of financial responsibility. These owners and operators have continued to operate the tanks without coverage.

The amendments only require providers to copy the department and are not intended to condition the effectiveness of the termination of or failure to renew coverage.

(A copy of the Notice of Intended Action is available in the Department's Record Center.)

Liz Christiansen said the Department is proposing to remove old compliance dates for reaching financial responsibility which are no longer needed, and to remove reference to the State

Assurance Fund because Iowa Underground Storage Tank fund no longer issues insurance. These rule changes will also add the requirement for notification to the Department by the carrier of coverage when insurance has lapsed. She said the public hearing is scheduled for January 29, 2002 at 1:00 p.m. in the Wallace State Office Building, Room 5 West.

Motion was made by Lisa Davis Cook to approve the notice of intended action as presented. Seconded by James Braun. Motion carried unanimously.

APPROVED AS PRESENTED

NOTICE OF INTENDED ACTION – REVISIONS TO CHAPTER 107, BEVERAGE CONTAINER DEPOSITS

Liz Christiansen, Division Administrator for Land Quality and Waste Management Division, presented the following item.

Attached is a draft of the Notice of Intended Action for the proposed rule stated above. The Commission is requested to approve this Notice of Intended Action to begin the formal rule making process on the attached proposed rules.

In response to the need to update and clarify existing administrative rules as directed by the Governor's Executive Order 8, the following brief and attachment are presented.

The Department contracted with the State Public Policy Group to facilitate four advisory committee meetings. The 22 member advisory committee comprised of representatives of redemption centers, dealers, distributors, manufacturers, environmental groups, state policy makers, and the department. Broad representation was required to ensure issues were identified and addressed in a balanced discussion.

Highlights of the rules revisions include:

- Clarifying and updating labeling requirements
- Clarifying approved redemption centers and exempt dealers
- Removing references to state owned liquor stores
- Adding reporting requirements for distributors and redemption centers
- Adding public education

Based on comments received at the November Environmental Protection Commission meeting, the department has added the definition of "incised" and added "IA 5¢" to all references to labeling requirements. These are the only changes to the proposed rule presented to the Commission last month.

(A copy of the Notice of Intended Action is available in the Department's Record Center.)

Liz Christiansen introduced Theresa Stiner and Jeff Geerts who gave a presentation to the Commission about the process used to put together these rule changes.

Theresa Stiner said these changes are being made in response to the Executive Order #8 from the Governor to review all existing rules. She said these rules had not been revised since 1986. The Department hired an outside facilitator to oversee an advisory committee of nineteen members representing the various stakeholders involved with the bottle bill. The committee met four times over a three-month period and was able to reach consensus on the majority of the issues. However because of the diversity of the group consensus was not reached on all issues. She reviewed the proposed changes.

Jeff Geerts responded to the concerns expressed by the public at the November, Environmental Protection Commission meeting. He said Department corrected the oversight where the IA 5¢ that was allowed in some parts of the draft rules was not addressed in others. The requirement for the stamp to be placed on the part of the container so it is visible to the consumer as it sits on the shelf is designed to create a standard location for the label to be placed on the bottle. The rule does not contain any provision for penalizing stores for bottles facing the wrong direction. The portion of the rules that deals with Redemption Center approval has not been changed a great deal and its purpose is to provide clarification for determining whether or not a redemption center is convenient, which will allow for consistency in the approval of redemption centers. For dealer exemption the revised rule provides that a redemption center can be considered convenient only if it accepts the beverage containers that the store sells, it does not give the redemption center final approval of the products a store carries. The rules as they exist now encourage the recycling of empty beverage containers, the proposed rule removes the word encourage and makes it a requirement, which is consistent with a law change that took place several years earlier that prohibits the disposal or landfilling of beverage containers by manufacturers, distributors, stores, redemption centers, and dealer agents. It does not require that the beverage containers be recycled into new beverage containers. The committee asked the Department to strengthen the rules dealing with clean containers. This change allows for the rejection of any container that has any liquid, including the beverage itself. He said under the current law, stores and redemption centers cannot refuse to accept a crushed plastic container; the draft rules will clarify the dealers and redemption center's responsibility to accept plastic containers. As for the concern that this change may result in beverage containers being redeemed more than one time, it is a fraudulent practice by law to redeem a container more than once and this will be reemphasized through the education efforts also provided for in this rule. The rule change dealing with distributor registration was intended to address several situations such as providing information to redemption centers as to which distributor handles which product. He said the language in this portion of the rule was discussed and consensus was reached during the meetings of the advisory committee. The Department feels the portion of the rules dealing with record keeping is necessary because it will help them determine whether or not the rules are working and the effectiveness of the rule. It will also help to determine the impact of container design type or label and the effect it has on redemption. It will help to determine the appropriateness and future impacts of future rule changes and the impact of the law and the rules on litter, recycling programs, and landfill. It will help to determine the resources that the Department has available to attract manufacturers to the state and will help the Department determine opportunities to target technical and financial assistance where appropriate. He said there was question as to whether or not the Department had the authority to put this into the rules and the Department does feel that they do. The current law gives the Commission broad authority in adopting rules to carry out as necessary the provision of the law.

The portion of the rules requiring a specific time frame on payment of the refund value, in particular to redemption centers is a clarification of the current rule.

Jim Brick said they wanted to thank the Commission, Jim Braun in particular, Jon Tack and the DNR for developing and beginning the process of the Financial Assurance Rules.

Lengthy discussion followed regarding the record-keeping portion of the rules.

Lisa Davis Cook said that she had received comment from someone concerned about the makeup of the advisory committee and its lack of balance. They were concerned about representation from reverse vending machine and The Container Recycling Institute, which are both out of state companies.

Theresa Stiner said the reason The Container Recycling Institute was included in the advisory committee was because they work with the bottle bill nationally and were able to provide insight into what other states are doing and what is working. The representation from the return vending machine was able to provide some insight when the committee considered adding digits to the UPC code to help the reverse vending machines when determining one state's cans from another. She said in her opinion the committee was fairly balanced and the objective of the committee was to reach consensus on the issues not by majority vote.

PUBLIC PARTICIPATION

Bill Wimmer (Bottle Bill)

Bill Wimmer, Executive Director of Iowa Soft Drink Association distributed a written copy of his comments. He said the reporting requirement is extremely problematic for the soft drink industry because it asks for proprietary information. Although the Department gives several reasons as to why they want the information, he feels it is a way for the Department to identify unclaimed deposits. He said if he was to gather the information requested by the Department, in his capacity of Executive Director of the Soft Drink Association, he would be subject to antitrust violation. He said the information would have the potential of giving a competitive advantage to someone.

Darrell Hanson said that the information would have to be released by the State in order for it to give a competitive advantage to someone.

Bill Wimmer said the potential for release of the information is in the Department's procedures for handling a request for confidential information. He said he feels the best way for the State to determine if the program is successful is to do a litter survey, which is already underway.

(A copy of Mr. Wimmer's written comments are available in the Department's Record Center.)

Dewayne Johnson (Bottle Bill)

Dewayne Johnson, Executive Director of the Iowa Recycling Association said they feel the Department through the advisory committee took great care to ensure that both public and private interests were protected in making these changes while working to ensure the best possible outcome.

(A copy of Mr. Johnson's written comments are available in the Department's Record Center.)

Jim Auen (Bottle Bill)

Jim Auen, said he was there on the behalf of Ike Auen Distributing Company, which is a Budweiser wholesaler in West Central Iowa and is a member of Iowa Wholesale Beer Distributors Association. He said the record-keeping portion of the rules goes beyond the statute and the collection of the information will be costly and proprietary.

Kathryn Russell (Bottle Bill)

Kathryn Russell with R & R Redemption Center said the purpose of the Rules Revisory Committee was to make suggestions on improvements and changes relative to the bottle bill. Everyone on the committee had an opportunity to ask questions and make suggestions therefore the Commission should approve this notice of intended action.

Ron Marr (Bottle Bill)

Ron Marr, Executive Director for the Petroleum Marketers and Convenience Stores of Iowa said they represent about 1,100 convenience stores and retail outlet across the state. They are concerned about the rules dealing with the condition of the container when it is returned because most of their counts are done on volume. Currently they will only accept containers that can stand on their base, but these proposed rules offers an exception for crushed containers, which will throw the volume counts off. He said the rule currently allows excessive amounts of the beverage to be left in the container. The proposed rule states that a stamp will be visible to the consumer as it sits on the shelf but convenience store beverages do not sit on a shelf, they are generally in a gravity feed rack which will obscure a stamp.

Erin Jordahl (Bottle Bill)

Erin Jordahl with the Iowa Chapter Sierra Club said they support the changes proposed by the Department of Natural Resources. They believe they are appropriate and were created in a fair and open manner. Stakeholder input was solicited and responded to, through the advisory committee, and in many cases accommodations were made with respect to the concerns of the stakeholders.

Fred Greiner (Bottle Bill)

Fred Greiner, Executive Vice President of Fareway Stores and First Vice Chairman for the Iowa Grocery Industry Association said Iowa Grocery Stores Industry Association and Fareway Stores

Inc are objecting to the proposed revisions to the Beverage Container Deposits rules. The requirement for the stamp to be visible as the bottle sits on the shelf will be impossible to enforce and was never discussed by the advisory committee. The proposed rule will set up a system of approval of redemption centers that is significantly different than the present system and will allow the redemption centers significant say so over the products sold by the dealer. The proposed rule could be misinterpreted to say that beverage containers must be recycled into beverage containers and would drive up costs. The advisory committee reached consensus on a provision in the rule stating that the containers to be redeemed shall be dry and free of foreign materials including the residue of the beverage but the proposed rule states "other than the residue of the beverage." The proposed rule also requires the dealers and stores to accept crushed plastic containers, which will result in added expense of redemption. The proposed rule would require a store to redeem beverage containers for 15 hours a day while the redemption center is only required to be open 20 hours a week. Finally the reporting requirements for private label sales will result in additional cost to the dealers and to the DNR due to additional staffing needs but will have no tangible benefit.

Robert Cramer (Bottle Bill)

Robert Cramer, President of the Fareway Stores said he felt it was the Commissions obligation to look at a comprehensive recycling plan instead of dealing with only 4 to 8 percent of the waste stream through the bottle bill.

Chris Christensen (Sunrise Dairy)

Chris Christensen from Blainestown, Iowa, passed around some pictures and said he comes from a town with a population of 700 and to the south of them they are outnumbered almost four to one by a population of dairy head. These dairy cattle are being mismanaged and are contaminating the Coon Creek water. He asked the Commission what they could do to hold the people running the dairy accountable for their actions.

Dave Sheridan from the Attorney General's office said Sunrise Dairy has been referred to their office and they are looking at all potential legal remedies available at this time. The new spills have been reported to them and the case has been assigned to an attorney for priority processing.

Daniel Hahn (Sunrise Dairy)

Daniel Hahn said his home is under siege by Sunrise Dairy and he is very frustrated and very angry. The company has cut down good corn just to have a place to put the manure. He said he had grown up on a dairy farm and understands that there is some odor involved.

Gary Bennett (Bottle Bill)

Gary Bennett said he did not understand why stores and redemption centers do not take cans that are crushed considering that the aluminum is melted down not refilled. The objective of the bottle bill is the reduction of litter. In California beverage containers are redeemed by the pound

as opposed to by individual container and therefore having them crushed ensures that there is nothing in them.

Lyle Stutzman (Bottle Bill)

Lyle Stutzman from Johnson Brothers Wine Company said the wine wholesalers in Iowa were not invited to participate in any of the previous hearings so he would like to express a couple of concerns that they have. In 1989, at the request of many of their customers and end consumers the five cent refund stickers were placed on the bottom 750 ml wine bottles because they are often served at the table. He said the record-keeping portion of the proposed rules would result in increased cost of reclamation. If notification of the Department, redemption centers, and their customers of changes in the products sold is required by these rules, there would be notices sent out everyday due to the fluid nature of the wine industry.

Dick Thornton (Bottle Bill)

Dick Thornton said he represents Quality Wine of Des Moines and would like to say that he agrees with the comments from the Iowa Grocers Association and Johnson Brothers Wine. He said wine distributors were not consulted in the drafting of these proposed rules. The cost of the redemption process for Johnson Brothers alone is nearing about \$200,000 dollars a year.

Elizabeth Horton Plasket (Bottle Bill and Water Quality Standards)

Elizabeth Horton Plasket, Executive Director of the Iowa Environmental Council said they support the revision to the beverage container deposit rules, they feel the process has been fair and all sides have been heard. She said she would also like to say that the Iowa Environmental Council has serious concerns about the revised permit derivation process that is proposed in the Notice of Intended Action. She said the concerns expressed by IEC and the Hawkeye Fly Fishing Association to the DNR through the Water Quality Standards Technical Advisory Committee has not been adequately addressed. She asked the Commission not to go forward with the rulemaking to allow for more time for discussion and resolution of the issues. She said the new permit derivation would allow more discharge of ammonia and nitrogen to Iowa Waters from wastewater treatment plants. She said if changes are necessary in the permit derivation process to correct technical deficiencies IEC believes that the changes should be pollution neutral. There is some question as to the legality of the proposed change under the anti-backsliding provision of the Federal Clean Water Act.

Linda Lynch (Title V Fees)

Linda Lynch, with Alliant Energy said they are in favor of the Title V minimum fees. Under current rules their facilities make up about 4% of the facilities that are required to have Title V permits but they pay 26% of the fees.

Chairperson Terry Townsend said the Commission would now return to Item 9 of the agenda. He asked if there was any additional question or discussion from the Commissioners.

Kathryn Murphy asked when the public hearings would be held.

Liz Christiansen said the public hearing is tentatively scheduled for January 29, from 1 to 4 pm at the Wallace Building in Des Moines, Room 4E.

Motion was made by Darrell Hanson to approve the Notice of Intended Action. Seconded by Kathryn Murphy. Motion carried unanimously.

APPROVED AS PRESENTED

NOTICE OF INTENDED ACTION –CHAPTER 111, FINANCIAL ASSURANCE REQUIREMENTS FOR MUNICIPAL SOLID WASTE LANDFILLS

Liz Christiansen, Division Administrator for Land Quality and Waste Management Division, presented the following item.

In June of 2001, the Commission adopted new Chapter 111, “Financial Assurance Requirements for Municipal Solid Waste Landfills.” During the June meeting it was agreed that a technical advisory committee would be established to assist staff in the development of rules for closure and postclosure accounts for municipal solid waste landfills. This committee was established and their input was provided to the department in the department’s development of rules establishing the requirements for closure and postclosure accounts. Additionally, the department identified inconsistencies in the recently adopted chapter that need to be addressed.

The department is now prepared to initiate the rulemaking processes to provide for public comment and input on the proposed rule. A Notice of Intended Action is presented to the Commission for decision.

(A copy of the notice of intended action is available in the Department’s Record Center.)

Liz Christiansen said that if this notice is approved there is a public hearing scheduled for February 12, from 1:00 to 3:00 p.m., which will be held over the ICN. She said due to the complicated nature of this rulemaking Jon Tack would give a short presentation about the changes.

Jon Tack said the rules adopted by the Commission in June for financial assurance dealt with closure/post closure care of landfills only when the closure happens under unexpected circumstances. This rule fulfills a section of the statute that to date had not been complied with stating that the Commission shall adopt by rule the amounts to be contributed to closure and post-closure accounts based upon the amount of solid waste received by the facility. He reviewed some details of the rule.

Hal Morton, (Financial Assurance)

Hal Morton Executive Director of Des Moines County Regional Solid Waste Commission and a representative of Iowa Society of Solid Waste Operators said they feel that the Department has made a great deal of effort to minimize the negative impacts of this rule on the municipal landfills.

Motion was made by Darrell Hanson to approve the Notice of Intended Action as presented. Seconded by Rita Venner. Motion carried unanimously.

APPROVED AS PRESENTED

Jim Braun said he enjoyed serving on the Committee and thanked the other members for their time and input.

CONTRACT - SOLID WASTE ALTERNATIVES PROGRAM (SWAP)

Liz Christiansen, Division Administrator for Land Quality and Waste Management Division, presented the following item.

The Department received twenty-two (22) pre-proposals, requesting over \$2,400,000 in financial assistance, for consideration during the October 2001 round of funding. Twelve (12) applicant projects were selected for further review. If approved they will receive \$1,084,900 in a combination of forgivable loans, zero interest loans, and 3% interest loans.

The review committee consisted of six persons representing the Waste Management Assistance Bureau (Tom Anderson, Valerie Drew, Merry Rankin), Iowa Society of Solid Waste Operations (Scott Smith), Iowa Recycling Association (Dewayne Johnson), and the Iowa Waste Exchange (Julie Plummer).

The table below summarizes recommendations by applicant and project type and by the type of award.

Recommended By Applicant Type	# Awards	Award Amount	Forgivable Loan Portion
Local Government	8	\$833,055	\$136,805
Private For Profit	2	\$201,903	\$40,000
Private Not For Profit	2	\$49,942	\$49,942
Recommended By Project Type	# Awards	Award Amount	Forgivable Loan Portion
Best Practices	7	\$998,153	\$140,000
Education	5	\$86,747	\$86,747
Market Development	0	\$0	\$0
Type of Award	# Awards	Award Amount	Forgivable Loan Portion
Forgivable loan only	7	\$126,747	\$126,747

Forgivable & Zero Interest Loan	2	\$80,000	\$40,000
Forgivable, Zero, 3% Interest loan	3	\$878,153	\$60,000

At this time, the Department is requesting Commission approval to enter into contracts with selected applicants whose awards will be in excess of \$25,000 subject to satisfactory review of business plans, negotiation of budget, match, deliverables, and other requested information.

A description of each recommended project, the project type, the amount and type of funding assistance is attached followed by a description of other proposals received but not recommended for funding.

(A copy of the proposal recommendations is available in the Department's Record Center.)

Liz Christiansen reviewed the item for the Commissioners.

Lisa Davis Cook said she had noticed that one of the people reviewing the proposals also received one of the grants.

Liz Christiansen said that when that particular grant was reviewed the person involved recused himself from the process.

Motion was made by Kathryn Murphy to approve the contract as presented. Seconded by Lisa Davis Cook. Motion carried unanimously.

APPROVED AS PRESENTED

NOTICE OF INTENDED ACTION, CHAPTER 61, WATER QUALITY STANDARDS

Mike Valde, Division Administrator, Environmental Protection Division, presented the following item.

The Commission will be asked to approve a Notice of Intended Action to initiate rulemaking that would amend the state's water quality standards (WQS) and standards implementation procedures. The rule amendments as proposed would:

1. establish a new process for deriving water quality based effluent limits for point sources such municipal wastewater treatment plants;
2. provide new or changed numerical criteria for bromoform, chlorodibromomethane, chloroform, dichlorobromomethane, endrin, and chlorobenzene and eliminate the criteria for monochlorobenzene (monochlorobenzene is the same compound as chlorobenzene); and
3. provide Section 401 certification for Corps of Engineers' Section 404 nationwide and regional permits.

Items 1 and 2 are part of an ongoing comprehensive review of the state's water quality standards while item 3 is required to address the Corps' recent actions to reissue general Section 404 permits.

The proposed change in the standards-to-permit derivation procedure is being proposed to address concerns raised by the Iowa Water Pollution Control Association. The derivation procedure is contained in a rule-referenced document, *Supporting Document for Iowa Water Quality Management Plans*, and this document will be modified and the rules will reflect the date of the revised document. Such implementation procedures are not water quality standards per se and do not require EPA approval, but the proposed changes are being made as part of the comprehensive standards review.

The changes to the numeric standards are being proposed to address new information and to correct some values that the EPA disapproved in their 1998 review of Iowa's standards.

The re-certification of the Corps nationwide permits and one regional permit for Iowa is needed before those general permits are in force in Iowa. The proposed rule changes would provide Section 401 certification for the reissued nationwide and regional permits.

(A copy of the Notice of Intended Action is available in the Department's Record Center.)

Jack Riessen said at the Commission meeting last month there were some potential objections raised to the proposed water quality standards and Mr. Veysey presented some information that showed how the new standards would affect three permit limits. The examples are not necessarily a good cross section and were given to the technical advisory committee because some of the advisory committee members were familiar with these facilities. The new standards do not represent an across the board increase of permit limits. He said the examples that were shown to the Commission show how the ammonia limits would change for these facilities, however a lot of those increases are due to changes to the ammonia criteria which have already been adopted by the Commission. Under the new permit derivation procedure the total nitrogen will not be much different than it was under the old procedure because although additional ammonia may be released less nitrate or nitrite will be put out. He said the Department does not feel that this change will be contrary to the anti-backsliding provision and that it will continue to be protective of water quality standards.

Scott Wienands (Water Quality Standards)

Scott Wienands, President of Iowa Water Pollution Control Association said the Iowa Water Pollution Control Association is an 83 year old association with 700 members that are all water quality professionals, including wastewater superintendents, environmental engineers, college professors, environmental students, contractors, and consultants. The goal of the organization is the preservation and enhancement of the water quality in the State of Iowa through education and working hand in hand with stakeholders and the Iowa Department of Natural Resources. The proposed regulation is a correction of limitations that are more stringent than the EPA mandates and gives the State of Iowa an opportunity to develop standards based upon real data through stream studies.

Dave Fox (Water Quality Standards)

Dave Fox with Fox Engineering in Ames said he was representing Consulting Engineers Council of Iowa and was a member of the Technical Advisory Committee that has been working on the

updates of the Water Quality Standards. He said he would like to recommend that this proposed rule be approved for notice of intended action.

Steve Veysey (Water Quality Standards)

Steve Veysey with The Hawkeye Fly Fishing Association said he worked on the Technical Advisory Committee and they have been able to reach consensus on some very controversial issues but were not given the opportunity to do so on this issue. He said the examples given to the committee by the Department indicate significant increases in pollution limits and if those examples are representative then it would be considered backsliding. If they are not representative he said he would like the committee to receive a broad range of examples that are. He said the proposed derivation method and the Hall Method, which is the method developed by the consultant who is pushing similar legislation in several states, are essentially the same.

Bob Main (Water Quality Standards)

Bob Main from Iowa Water Pollution Control Association said all members of the Technical Advisory Committee has had the opportunity to discuss this issue and there is still an opportunity for public comment if the Commission decides to move forward with it.

Ted Payseur (Water Quality Standards)

Ted Payseur from Mainstream Chem Engineers said he also represents a coalition that is made up of the Iowa Water Pollution Control Association, Iowa League of Cities, the Iowa Water Association, Iowa Municipal Utilities, Iowa Public Works Society, and the consulting engineers faction. This coalition started reviewing the permit derivation process approximately four years ago and at that time hired John Hall to assist. They came up with 11 topics that need to be addressed in order to go from a technology based standard to a water quality based standard. The Hall report was adopted by the entire coalition. This revision is based on a more scientific method and therefore should not be considered backsliding.

Charles Stevens (Water Quality Standards)

Charles Stevens, Superintendent of the City of Knoxville Wastewater Treatment Plant said he would like to support the proposed rule as presented.

Peggy Murdock (Water Quality Standards)

Peggy Murdock said the Technical Advisory Committee had two extensive sessions talking about bacteria but this particular matter went into a subcommittee and emerged in this meeting. The Technical Advisory Committee therefore did not have an opportunity to discuss it. She said there is a big question in her mind as to whether or not these changes will effect hypoxia. She asked the Commission to wait until this issue can be reviewed further.

Lengthy discussion followed.

Motion was made by Darrell Hanson to approve the Notice of Intended Action as presented. Seconded by Rita Venner. Roll Call vote went as follows; Darrell Hanson – Aye; Lori Glanzman – Aye; Kathryn Murphy – Aye; Rita Venner – Aye; James Braun – Nay; Lisa Davis Cook – Nay; Kelly Tobin – Nay; Terry Townsend – Aye. Motion passed.

APPROVED AS PRESENTED

NOTICE OF INTENDED ACTION – CHAPTER 60,"SCOPE OF TITLE – DEFINITIONS – RULES OF PRACTICE," AND CHAPTER 61A, VOLUNTEER MONITORING DATA REQUIREMENTS,"

Mike Valde, Division Administrator, Environmental Protection Division, presented the following item.

The Commission will be asked to approve a Notice of Intended Action to initiate rulemaking that will establish requirements for persons to become “qualified volunteers” for the purpose of providing water quality monitoring data that can be used by the Department in assessing whether water bodies meet state water quality standards.

The 2000 General Assembly passed legislation (SF 2371) that, among other things, established a “credible data” requirement for developing Section 303(d) lists of impaired waters and various other water quality activities. Monitoring data from volunteers can be considered credible data only if it is produced by “qualified volunteers” and the legislation charges the Department with adopting rules to establish requirements for a person to become a qualified volunteer.

The rules as proposed will:

- define “qualified volunteer” in general terms and provide that all volunteers collecting data in accordance with a Department approved volunteer monitoring plan are qualified volunteers;
- provide the requirements for a volunteer monitoring plan; and
- provide procedures for the submission of volunteer monitoring data to the Department.

(A copy of the Notice of Intended Action is available in the Department’s Record Center.)

Jack Riessen briefed the Commission on this item.

Motion was made by Lisa Davis Cook to approve the Notice of Intended Action as presented. Seconded by Darrell Hanson. Motion carried unanimously.

APPROVED AS PRESENTED

GRANTS TO COUNTIES – PRIVATE WELL SAMPLING, REHABILITATION, AND CLOSURE PROGRAM

Mike Valde, Division Administrator, Environmental Protection Division, presented the following item.

Commission approval is requested for SFY 2003 grants to 98 counties for well testing, plugging and rehabilitation. The grants will be for a maximum of \$16,500 per county for a total maximum of \$1,617,000. The amount provided to each county may be less, depending upon the actual numbers of wells tested, plugged, or renovated by each county. The funds are used to provide financial assistance to well owners for plugging, rehabilitation, and testing.

These figures are based on the current unobligated balance in the groundwater fund of the agricultural management account of the groundwater protection fund, additional receipts of funds expected before the end of the current fiscal year, and an expected percent usage factor. The maximum grant amounts are 10% higher than SFY 2002. Ninety-eight applications were received for the grant program and all counties applying were determined to be eligible. Marshall County is the only county not participating.

Since the Grants to County program has been in existence (12 years), funds provided by the program have been used to assist well owners in plugging over 41,000 abandoned wells, which may be approaching one-half of the total abandoned wells needing to be plugged. In the last five years, nearly 1440 wells in poor condition have been rehabilitated (rehabilitation was authorized in 1997) and about 13,000 private well water samples per year are tested through this program.

Jack Riessen briefed the Commission on this item.

Motion was made by Rita Venner to approve the item as presented. Seconded by Lori Glanzman. Motion carried unanimously.

APPROVED AS PRESENTED

NOTICE OF INTENDED ACTION - CHAPTER 81, OPERATOR CERTIFICATION: PUBLIC WATER SUPPLY SYSTEMS AND WASTEWATER TREATMENT SYSTEMS

Mike Valde, Division Administrator, Environmental Protection Division, presented the following item.

The Commission will be asked to approve a Notice of Intended Action to initiate rulemaking that would clarify the original intent of 567 IAC 81.2(7)“b”. This paragraph deals with the conversion of water treatment operator certificates, that existed prior to January 2001, to the new operator certification classification system adopted by the Commission in November 2000, published December 13, 2000 and made effective January 17, 2001. The rule amendment as proposed would make it clear that a person who previously held a Grade III or IV water treatment certificate must have one year of direct responsible charge in a Grade III or higher water treatment plant or water distribution system before they can receive a Grade IV water distribution certificate under the new classification system.

The Commission adopted a major revision of Chapter 81 in November 2000. These rules, among other things, revised the classification and grading system for water supply treatment and distribution systems as well as revised the criteria for obtaining certificates for operating these

systems. Previously, persons holding a water treatment certificate would have been certified to operate a water distribution system of equivalent grade. Under the new system, separate certifications are required – one for the treatment system and one for the distribution system. Certification for water treatment system operation in and of itself no longer authorizes the operation of a distribution system.

Rather than require certificate holders to re-test under the new classification system, paragraph 81.2(7)“b” established a one-time transition procedure for converting previously issued water treatment certificates to certificates for treatment and distribution under the new system. The Notice of Intended Action as published simply stated that persons holding a Grade III or Grade IV water treatment certification could qualify for an equivalent grade water distribution certification if they had two years of water distribution experience. The proposed rule did not specify at what grade the distribution experience had to be.

The department received numerous public comments regarding the transition criteria for conversion of Grade III and IV water treatment certification to Grade IV water distribution certification as well as the new criteria for qualifying for Grade III and IV water distribution certification. Two somewhat competing ideas were expressed. One, some felt operators holding water treatment certificates under the existing rules should be able to obtain an equivalent water distribution certification despite new qualifying criteria established in rule 81.7 and, in a sense, not be penalized. Two, some felt operators should not be able to “backdoor” their way to a higher water distribution certification unless they met the education and experience qualifications under the proposed new criteria.

In response, the Department balanced these competing suggestions by requiring anyone who sought to convert a Grade III or IV water treatment certification to a Grade IV to have one year of DRC and two years of water distribution experience. This revision was intended to recognize the revisions in rule 81.7 which establish the qualifying criteria based on education and experience for a Grade III and Grade IV certification (the new rules actually require two years of DRC in a Grade III or higher facility before a Grade IV certificate can be obtained).

The final rule as published provided that one year of DRC was required without specifically stating the DRC had to be in a Grade III or higher facility, as was the intent. The Department implemented the transition process with this interpretation – DRC in Grade III or higher. Five applicants who sought an upgrade from a Grade III water treatment certificate to a Grade IV water distribution certificate have contested this interpretation, arguing the one year DRC could be in any grade. These applicants do not have the necessary DRC to take the test for a Grade IV distribution certificate under the present rule criteria.

The proposed rule changes would simply clarify the original intent of the Department and Commission.

(A copy of the Notice of Intended Action is available in the Department’s Record Center.)

Jack Riessen said that the Commission approved some rule changes approximately a year ago dealing with drinking water operator certification. Prior to this if a person held a certificate for

operation of a water treatment plant it was assumed to cover the water distribution system as well. There was a separate water distribution certification but if you held a certification for a water treatment plant it was considered to also cover the distribution system. Under the new rules it became two separate entities. Through a committee there was rules adopted that specified how to convert the old certificates into a new certificate.

Mel Berryhill (Operator Certification)

Mel Berryhill distributed a handout to the Commission. He said he is a third party contractor with EPA and works through the Iowa Rural Water Association and part of his job is to provide training for all of the certified operators in Iowa on the water side. During the last renewal period a lot of time and effort was put into the certification rules. According to the hand out if an operator had one-year experience with direct responsible charge and the needed experience in water distribution he would be issued the Grade IV water distribution certificate. The first time he heard about the additional requirements was when he received his own renewal form. On that form it said that in order to get the Grade IV distribution certificate you must be able to certify that you have had at least one year of direct responsible charge in a Grade III or higher system. This requirement was not in the original set of rules and is what the Department is planning to insert with this notice of intended action.

Terry Townsend asked if the operators had been under the understanding that they would receive the upgrade.

Jack Riessen said the new rules to test for the Grade IV water distribution certificate say that an operator must have the education and experience and he would have to have two years direct responsible charge in a grade three facility or higher. This question deals with the transition however and it can go either way.

Jeff Peterson (Operator Certification)

Jeff Peterson with the City of Huxley said he worked with the DNR through this whole process and they told him if he received the Grade III water treatment he would receive the Grade IV distribution. However he did not receive it when he applied. When he called the DNR he was told that the other employees he had spoken to had been misinformed. He said if he had taken the test for the Grade III distribution before March 31, 2001 he would have automatically received the Grade IV.

Kevin Jacobson (Operator Certification)

Kevin Jacobson asked the Commission to review the rules that they received and consider the fact that Grade III treatment and Grade III distribution were actually the same thing until the new rules were written. The Grade III people in water distribution received their Grade IV but operators such as himself who held a Grade III water treatment certificate, which is regarded as a higher license than water distribution, did not.

Motion was made by Kathryn Murphy to send the Notice of Intended Action back to the Department to rectify a lot of the problems and work out some of the issues they have before the Commission moves on it. Seconded by Lori Glanzman.

Brief discussion followed regarding the original rule.

Phil Propes (Operator Certification)

Phil Propes said he served on a committee that had been charged with the development of a five-year strategic plan for the water and wastewater operator certification program. The rule has been for many years in order to get a water treatment license for Grade III or higher you were required to have one year of Direct Responsible Charge (DRC) in a Grade III or higher facility. When the certification committee, which he also served on, was developing the rules for the Grade IV distribution license they were instructed by EPA that there was to be no backsliding. Therefore it was their intent to suggest that in order to go from a Grade III to a Grade IV water distribution license an operator would need to have one year of DRC in a Grade III or higher facility. It is his opinion that the omission of the words Grade III or higher was an oversight on the part of the DNR.

Stan Derou (Operator Certification)

Stan Derou said this issue had been brought up during the public hearing process in the original rule making and the staff apparently chose not to take it into consideration at that time.

Darrell Hanson said there are two questions, what has been done, and what should be done now. In the question of what has been done the question of intent is largely irrelevant in the court of law; it doesn't matter what was intended because what was written down and passed is what counts. He said in his opinion for the people who had already applied based on the language of the existing rule their application should be judged by what the standard was when they submitted their application.

Jeff Vonk said he would work with staff to settle these two issues.

Terry Townsend called for a vote on the motion made by Kathryn Murphy and seconded by Lori Glanzman.

Motion carried unanimously.

NOTICE OF INTENDED ACTION DENIED

FINAL DECISION - CHAPTER 65, ANIMAL FEEDING OPERATIONS (SUBMISSION OF MANURE MANAGEMENT PLANS PRIOR TO CONSTRUCTION)

Mike Valde, Division Administrator, Environmental Protection Division, presented the following item.

The Commission is asked to approve a final rule proposal requiring any facility that must have a manure management plan to submit that plan to both the DNR and the local county board of supervisors 30 days prior to the initiation of construction. A public hearing on this proposal was held on October 17, 2001. The specific wording of the proposal that was published follows:

65.16(2) Effective [effective date of this amendment], an owner of a proposed confinement feeding operation that is required to file a manure management plan pursuant to rule 65.16(1)(b) shall submit the confinement feeding operation's manure management plan to the department at least 30 days before the construction of an animal feeding operation structure begins, as that term is defined in rule 65.8(1) and (2). After the manure management plan has been received by the department, the department will date stamp the plan as received and provide written confirmation to the owner of receipt. In addition to the content requirements specified in rule 65.17(455B), the owner shall include:

- a. Documentation that the board of supervisors or auditor of the county where the confinement feeding operation is proposed to be located received a copy of the plan.

Information (e.g., maps, drawings, aerial photos) that clearly shows the intended location of the animal feeding operation structures, and locations and animal weight capacities of any other confinement feeding operations within a distance of 2500 feet in which the owner has an ownership interest or manages.

Several public comments were received on this proposal. A summary of the comments and the department response to those comments is attached.

Conclusion:

After careful consideration of each of the written and oral public comments received, the department is recommending that the Environmental Protection Commission (EPC) adopt the proposed rule amendment with one additional amendment to clarify the applicability of separation distances.

The purpose and scope of this amendment is to provide notification to the counties and neighboring residents of the construction of a confinement feeding operation, larger than a SAFO but below the construction permit threshold limits. The department believes with this rule amendment, producers would give careful consideration to the land application requirements and adequate land disposal techniques.

The department believes this rule amendment would provide better tools to enforce the requirement of a MMP submittal. The department would not allow land application of manure by confinement operations, other than a SAFO, without their required approved MMP. The department disagrees the proposed rule amendment is lowering the construction permit limits, because these operations would need an approved MMP, prior to removing manure from the manure storage structures. This proposal simply sets the timing of the submittal of the manure management plan.

To determine adjacency and separation distance of existing animal feeding operation structures of facilities proposing to expand, the 567 IAC Chapter 65.11(455B) states that when a construction permit is not required, the residences, businesses, schools, public use areas and thoroughfares, must exist at the time construction begins. The department is amending this subrule to include that the aforementioned structures must exist at the time the MMP is submitted.

Because of current staff limitations, the department would not review these MMPs during this 30-day period. However, according to the recent rule amendment 65.16(3) filed and adopted on September 18, 2001, these new complete MMPs must be reviewed, and be approved or disapproved by the department within 60 days after submittal.

To summarize, the department recommends that the following rule amendments be adopted:

65.16(2) Effective [effective date of this amendment], an owner of a proposed confinement feeding operation that is required to file a manure management plan pursuant to rule 65.16(1)(b) shall submit the confinement feeding operation's manure management plan to the department at least 30 days before the construction of an animal feeding operation structure begins, as that term is defined in rule 65.8(1) and (2). After the manure management plan has been received by the department, the department will date stamp the plan as received and provide written confirmation to the owner of receipt. In addition to the content requirements specified in rule 65.17(455B), the owner shall include:

- b. Documentation that the board of supervisors or auditor of the county where the confinement feeding operation is proposed to be located received a copy of the plan.

Information (e.g., maps, drawings, aerial photos) that clearly shows the intended location of the animal feeding operation structures, and locations and animal weight capacities of any other confinement feeding operations within a distance of 2500 feet in which the owner has an ownership interest or manages.

"65.11(1) Separation from residences, businesses, churches, schools, public use areas, and thoroughfares shall be as specified in Iowa Code section 455B.162 and summarized in Table 6 and Table 7 at the end of this chapter. The residence, business, church, school, public use area or thoroughfare must exist at the time an applicant submits an application for a construction permit to the department, or at the time a manure management plan is submitted if a construction permit is not required, or at the time construction of the animal feeding operation structure begins if a construction permit or manure management plan is not required."

(A copy of the Final Rule is available in the Department's Record Center.)

Wayne Gieselmann briefed the Commission on the history of the item.

Brief discussion followed.

Motion was made by Kelly Tobin to approve the Final Rule as presented. Seconded by Darrell Hanson. Motion carried unanimously.

APPROVED AS PRESENTED

REVISION TO STATE IMPLEMENTATION PLAN FOR DAVENPORT, IOWA.

Mike Valde, Division Administrator, Environmental Protection Division, presented the following item.

The Commission is requested to approve the final State Implementation Plan (SIP) for remedying past, and preventing future violations of the ambient air quality standard. Upon approval of the Commission, the SIP will be forwarded to U.S. EPA for federal notice and approval. A copy of the final SIP is attached.

A 30-day public comment period on the State Implementation Plan was held from October 22, 2001, through November 20, 2001. A public hearing was held at the Davenport Public Library, 321 Main Street, Davenport, on November 14, 2001, from 6 p.m. to 7 p.m.

One formal comment was received on the draft SIP. Those comments are addressed in the responsiveness summary now contained in the final SIP document.

Background. Between October 30, 1996, and March 27, 2000, DNR monitored three exceedencies of the 24-hour PM-10 ambient air quality standard at one monitor in Davenport. These exceedencies constitute a violation of the National Ambient Air Quality Standards.

The term PM-10 is used for particles (less than 10 microns in diameter) found in the air, including dust, dirt, soot, smoke, and liquid droplets. These particles can be suspended in the air for long periods of time. Many scientific studies have linked breathing these particles to a series of significant health problems, including:

- aggravated asthma ,
- increases in respiratory symptoms like coughing and difficult or painful breathing,
- chronic bronchitis,
- decreased lung function, and
- premature death.

The state is required by the federal Clean Air Act to develop a plan to remedy and prevent further violations of the air standard, or to begin the process of designating the area as “nonattainment.” Because of the public health and economic implications of having nonattainment areas, DNR committed extensive staff resources to develop a plan that would ensure that the standards would no longer be violated and would continue to be met in the future.

Air dispersion modeling by DNR has indicated that Black Hawk Foundry is the primary contributor to the PM-10 levels monitored.

DNR and Black Hawk have worked together to develop a practical plan to reduce ambient PM-10 emissions in the area, thus allowing the area to remain attainment for PM-10. To that end, DNR and Black Hawk have entered into an Administrative Consent Order that will require Black Hawk to:

1. Control fugitive dust emissions from coke, bond, and sand handling.
2. Collect and control with a baghouse PM-10 emissions from the ductile treatment process.
3. Limit daily and annual process rates on various emission units and conduct record keeping to demonstrate compliance.
4. Construct a stack that will allow PM-10 emissions from the mold cooling and wheelabrator emission units to be properly dispersed to the ambient air.
5. Check and perform maintenance on the cupola cap as necessary to ensure that it seals properly at all times.

(A copy of the State Implementation Plan is available in the Department's Record Center.)

Catharine Fitzsimmons briefed the Commission on the item.

Motion was made by Darrell Hanson to approve the plan as presented. Seconded by Lisa Davis Cook. Motion carried unanimously.

APPROVED AS PRESENTED

FINAL RULE – CHAPTER 22, CONTROLLING POLLUTION (REVISED DEADLINE FOR TIMELY APPLICATION FOR SIGNIFICANT MODIFICATION OF A TITLE V PERMIT)

Mike Valde, Division Administrator, Environmental Protection Division, presented the following item.

The Commission will be asked to approve the proposed amendments to Chapter 22, "Controlling Pollution" 567 Iowa Administrative Code.

The purpose of this rulemaking is to revise the deadline for which an application is due for a significant modification of a Title V permit. Currently, subparagraph 22.105(1)"a"(4) requires an application at least 6 months prior to any planned significant modification of a Title V permit. The Department has received two requests from the regulated public that the 6-month deadline be revised because of permit timing issues.

Although 40 CFR Part 70 does not specifically address the deadline for an application for a significant modification, it does state that a complete application to obtain a Title V permit or permit revision is required within 12 months after commencing operation or on or before such earlier date as the permitting authority may establish. This rulemaking seeks to change the deadline for submission of a significant modification of a Title V permit to no later than 3 months after commencing operation of the changed source.

An information meeting was held on August 22, 2001, and a public hearing was held on November 15, 2001, at the Air Quality Bureau in Urbandale. No oral or written comments were provided.

(A copy of the Final Rule is available in the Department's Record Center.)

Catharine Fitzsimmons briefed the Commission on the item.

Motion was made by Rita Venner to approve the Final Rule as presented. Seconded by Lori Glanzman. Motion carried unanimously.

APPROVED AS PRESENTED

NOTICE OF INTENDED ACTION – CHAPTER 22, CONTROLLING POLLUTION (MINIMUM TITLE V FEE)

Mike Valde, Division Administrator, Environmental Protection Division, presented the following item.

The Commission will be asked to approve the attached Notice of Intended Action to amend Chapter 22, “Controlling Pollution” 567 Iowa Administrative Code.

The purpose of this rulemaking is to set a minimum Title V fee of \$1,000 based on a task force recommendation. The Department created the task force to address a request by business and industry to consider options for restructuring the Title V fee. The Department facilitated four meetings with 10 representative Title V facilities to evaluate possible alternatives to the current fee structure. After discussing many alternatives, the task force decided to go forward with a minimum annual fee of \$1,000. The task force felt that all facilities should pay a minimum fee for the basic services Title V facilities receive from the Department. This minimum fee is not a new fee, but simply a reallocation of the current fee structure. The Department will not receive additional funds from this change to the fee structure.

(A copy of the Notice of Intended Action is available in the Department’s Record Center.)

Catharine Fitzsimmons briefed the Commission on the item. She said a public hearing is tentatively scheduled for March 14, 2002, in the Air Quality conference rooms.

Brief discussion followed regarding the effect of this rule on the various sized businesses.

Motion was made by Kelly Tobin to table the notice of intended action for one month. Seconded by James Braun. Motion carried unanimously.

ITEM TABLED

NOTICE OF TERMINATION – CHAPTER 20, SCOPE OF TITLE-DEFINITIONS-FORMS-RULES OF PRACTICE AND CHAPTER 22, CONTROLLING POLLUTION (AIR QUALITY PROGRAM RULES)

Mike Valde, Division Administrator, Environmental Protection Division, presented the following item.

The Commission will be asked to terminate rule making on proposed amendments to Chapter 20, “Scope of Title—Definitions—Forms—Rules of Practice” and Chapter 22, “Controlling

Pollution.” The proposed rule making was published in the Iowa Administrative Bulletin on June 13, 2001 as **ARC 0736B**. The rule making was in response to a petition for rule making submitted by Cessford Construction and the Asphalt Paving Association of Iowa. The purpose of the rule making was to establish a permit by rule for hot mix asphalt plants, a permit by rule for a concrete batch plant and a permit by rule for an aggregate processing plant.

The Department requests that this rulemaking be terminated to afford the opportunity for continued development of an alternative mechanism to afford these sources with regulatory relief from the existing permitting process. By February 1st, 2002, the Department plans to have in place an alternative using the flexibility available in the existing regulations. Cessford Construction and the Asphalt Paving Association of Iowa have agreed that an alternative mechanism for permitting through the existing construction permit process would be acceptable. The U.S. Environmental Protection Agency raised significant objection to using a permit by rule process, but agreed that the existing construction permit process likely provides sufficient flexibility to accomplish the same goals. In addition, the rule making is approaching the 180-day deadline to adopt final rules and must either be adopted or terminated this month.

Staff will continue to work at resolving the issues raised by the EPA and continue to work with industry in achieving an expedited permitting process for these classes of facilities.

(A copy of the Notice of Termination is available in the Department’s Record Center.)

Catharine Fitzsimmons said that due the EPA’s concerns the Department has chosen to terminate this rulemaking.

Joe McGuire (Air Quality Program Rules)

Joe McGuire from Cessford Construction Company and Asphalt Paving Association said they are disappointed that this rulemaking did not go forward because it is an excellent process and has the potential to eliminate a lot of permit problems.

Motion was made by Lisa Davis Cook to terminate the rulemaking. Seconded by Lori Glanzman. Motion carried unanimously.

RULEMAKING TERMINATED

REFERRALS TO THE ATTORNEY GENERAL

Michael Murphy, Bureau Chief, Compliance and Enforcement Bureau, presented the following item.

The Director requests the referral of the following to the Attorney General for appropriate legal action. Litigation reports have been provided to the commissioners and are confidential pursuant to Iowa Code section 22.7(4). The parties have been informed of this action and may appear to discuss this matter. If the Commission needs to discuss strategy with counsel on any matter where the disclosure of matters discussed would be likely to prejudice or disadvantage its

position in litigation, the Commission may go into closed session pursuant to Iowa Code section 21.5(1)(c).

- a. Kollasch Land & Livestock Inc. (Poweshiek County) – animal feeding operation
- b. Neal Anthony, dba Anthony's Trucking (LeMars) – penalty collection

Kollasch Land & Livestock, Inc

Mike Murphy said a settlement had been reached in this case and the referral was being withdrawn.

REFERRAL WITHDRAWN

Neal Anthony, dba Anthony's Trucking

Mike Murphy briefed the Commission on the case.

<i>Motion was made by Lori Glanzman to refer. Seconded by Kelly Tobin. Motion carried unanimously.</i>
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REFERRED

PROPOSED CONTESTED CASE DECISION – R. EXCAVATING, INC, GOLDEN, RANDY S

Michael Murphy, Bureau Chief, Compliance and Enforcement Bureau, presented the following item.

On October 18, 2000, the department issued Administrative Order No. 2000-WW-29 to R. Excavating, Inc. and Randy S. Golden. That action required the parties to comply with storm water permit requirements and to pay a penalty of \$10,000. That action was appealed by The parties, and the matter proceeded to administrative hearing on November 7, 2001. The Administrative Law Judge issued the attached Proposed Decision on November 21, 2001. The decision affirms the Order and clarifies the amount owed for permit fees.

Either party may appeal the Proposed Decision to the Commission. In the absence of an appeal, the Commission may decide on its own motion to review the Proposed Decision. If there is no appeal or review of the Proposed Decision, it automatically becomes the final decision of the Commission.

Mike Murphy briefed the Commission on the history the case.

The Commission chose to take no action on this decision which has the effect of upholding the decision unless there is an appeal.

DECISION UPHELD

Kathryn Murphy said that Items 23 and 24 of the agenda would be withdrawn for the month of December and would be brought back for the January meeting.

MONTHLY REPORTS

Mike Valde, Division Administrator, Environmental Protection Division, presented the following item.

The following monthly reports are enclosed with the agenda for the Commission's information.

1. Rulemaking Status Report
2. Variance Report
3. Hazardous Substance/Emergency Response Report
4. Manure Releases Report
5. Enforcement Status Report
6. Administrative Penalty Report
7. Attorney General Referrals Report
8. Contested Case Status Report
9. Waste Water By-passes Report

Proposal	Notice to Commission	Notice Published	ARC#	Rules Review Committee	Hearing	Comment Period	Summary to Commission	Final Adopted	Rules Published	ARC#	Review Committee	Rules Effective
1. Ch. 1, 9 and 11 - LHC Quorum Voting Requirements	9/17/01	10/17/01	1020B	11/13/01	11/08/01	11/19/01	*1/22/02	*1/22/02	*2/09/02		*3/04/02	*3/13/02
2. Ch. 20, 22 - Air Quality Rules	5/21/01	6/13/01	0736B	7/10/01	7/19/01	7/27/01	12/17/01 TERMINATION	*12/17/01	*1/09/02		*2/04/02	*2/13/02
3. Ch. 20, 22, 23, and 25 - Air Quality Updates, Revisions, and Additions	11/19/01	12/12/01		*1/08/02			*2/18/02	*2/18/02	*3/11/02		*4/09/02	*4/16/02
4. Ch. 22 - Exempt Small Emission Units and Indoor Sources from AQ Construction Permitting	9/17/01	10/17/01	1024B	11/13/01	11/26/01	11/30/01	*1/22/02	*1/22/02	*2/09/02		*3/04/02	*3/13/02
5. Ch. 22 - Revised Deadline for Timely Submittal of Title V Permits	9/17/01	10/17/01	1021B	11/13/01	11/15/01	11/30/01	12/17/01	*12/17/01	*1/09/02		*2/04/02	*2/13/02
6. Ch. 22 - Controlling Pollution - Maximum Title V Fee	12/17/01	*1/09/02		*2/04/02			*3/18/02	*3/18/02	*4/08/02		*5/07/02	*5/14/02
7. Ch. 44, 92 & 93 - State Revolving Funds for Drinking Water, Wastewater and On-Site Systems	10/22/01	11/14/01	1122B	12/11/01	12/04/01	12/04/01	*1/22/02	*1/22/02	*2/09/02		*3/04/02	*3/13/02
8. Ch. 44, 92 & 93 - State Revolving Funds for Drinking Water, Wastewater and On-Site Systems							10/22/02	10/22/02	11/14/02	1121B	12/11/01	10/26/01
9. Ch. 61 - WQ Standards - Section 404 Permits	12/17/01	*1/09/02		*2/04/02			*3/18/02	*3/18/02	*4/08/02		*5/07/02	*5/14/02
10. Ch. 61A - WQ Assessment - Qualified Volunteers	12/17/01	*1/09/02		*2/04/02			*3/18/02	*3/18/02	*4/08/02		*5/07/02	*5/14/02
11. Ch. 65 - Pre-Construction Manure Management Plan Requirements	8/20/01	9/19/01	0938B	10/02/01	10/17/01	10/17/01	12/17/01	*12/17/01	*1/09/02		*2/04/02	*2/13/02
12. Ch. 81 - Op. Cert. Public WS Systems and WW Treatment Systems	12/17/01	*1/09/02		*2/04/02			*3/18/02	*3/18/02	*4/08/02		*5/07/02	*5/14/02
13. Ch. 105 - Organic Materials Composting Facilities	*1/22/02	*2/09/02		*3/04/02			*4/15/02	*4/15/02	*5/00/02		*6/00/02	*6/00/02
14. Ch. 107 -												

Beverage Container Deposits	12/17/01	*1/09/02		*2/04/02			*3/18/02	*3/18/02	*4/08/02		*5/07/02	*5/14/02
15. Ch. 109 - Special Waste Authorizations	11/19/01	12/12/01		*1/08/02			*2/18/02	*2/18/02	*3/11/02		*4/09/02	*4/16/02
16. Ch. 111 - Financial Assurance Requirements for Municipal SW Landfills	12/17/01	*1/09/02		*2/04/02			*3/18/02	*3/18/02	*4/08/02		*5/07/02	*5/14/02
17. Ch. 117, Ch. 219 - Waste Tire Management	*1/22/02	*2/09/02		*3/04/02			*4/15/02	*4/15/02	5/00/02		*6/00/02	*6/00/02
18. Ch. 118 - Removal of Disposal of PCBs from Appliances Prior to Processing	4/16/01	5/16/01	0668B	6/05/01	6/05/01	6/05/01	11/19/01	11/19/01	12/12/01		*1/08/02	*1/16/02
19. Ch. 119, 144, 210, 211, 212 & 214 - Waste Management Asst. - Division Rule Revisions	9/17/01	10/17/01	1022B	11/13/01	11/27/01	11/27/01	*1/22/02	*1/22/02	*2/09/02		*3/04/02	*3/13/02
20. Ch. 132 - Transportation of Radioactive Materials in Iowa	10/22/01	11/14/01	1123B	12/11/01		12/04/01	*1/22/01	*1/22/01	*2/09/02		*3/04/02	*3/13/02
21. Ch. 134 - Certification of Groundwater Professionals	9/17/01	10/17/01	1023B	11/13/01	11/06/01	11/09/01	12/17/01	*12/17/01	*1/09/02		*2/04/02	*2/13/02
22. Ch. 135 - Technical Standards and Corrective Action Requirements for Owners/Operators of USTs	9/17/01	10/17/01	1019B	11/13/01	11/06/01	11/09/01	12/17/01	*12/17/01	*1/09/02		*2/04/02	*2/13/02
23. Ch. 136 - Financial Responsibility for USTs	12/17/01	*1/09/02		*2/04/02			*3/18/02	*3/18/02	*4/02/02		*5/07/02	*5/14/02

Monthly Variance Report

November, 2001

Item No.	Facility	Program	Engineer	Subject	Decision	Date
1	Vermer Manufacturing Company-Pella	Air Quality		Permit Requirements	Approved	11/01/01
2	Cargill, Inc.-Eddyville	Air Quality		Fuel Test	Approved	11/06/01
3	Manindra Energy Corporation-Hamburg	Air Quality		Permit Requirements	Denied	11/20/01
4	Threaded Products, Inc.-Davenport	Air Quality		Permit Requirements	Approved	11/21/01
5	Scott Area Sanitary Landfill-Scott County	Solid Waste	Foth & Van Dyke	Waste Tire Management	Approved	11/21/01
6	Polk City Golf Course	Flood Plain	Snyder & Associates	Floodway Encroachment	Approved	11/08/01
7	Council Bluffs, City of	Wastewater Operation		Monitoring Frequency	Approved	11/26/01
8	Wolf, Kurt-Hartgrave Creek-Butler County	Flood Plain		Percent Length Reduction	Approved	11/27/01

9	Burt, Allen and Silverstein, Ben-Marshall County	Flood Plain		Percent Length Reduction	Approved	11/27/01
10	Butler County Road C13	Flood Plain		Freeboard	Approved	11/27/01
11	Union Pacific Railroad Bridge 0.49-Polk County	Flood Plain		Floodway Encroachment	Approved	11/27/01
12	Union Pacific Railroad Cooperation Bridge 0.49-Polk County	Flood Plain		Backwater	Approved	11/27/01

During the period November 1, 2001, through November 30, 2001, 66 reports of hazardous conditions were forwarded to the central office. A general summary and count by field office is presented below. This does not include releases from underground storage tanks, which are reported separately.

Month	Substance					Mode				
	Total Incidents	Agri-chemical	Petroleum Products	Other Chemicals	Transport Facility	Fixed	Pipeline	Railroad	Fire	Other*
October	73 (60)	9 (3)	51 (42)	13 (14)	28 (22)	36 (32)	2 (0)	0 (1)	2 (1)	5 (4)
November	66 (58)	8 (4)	44 (40)	14 (14)	25 (19)	32 (32)	1 (0)	1 (4)	0 (1)	7 (2)
December	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
January	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
February	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
March	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
April	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
May	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
June	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
July	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
August	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
September	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
Total	139 (118)	17 (7)	95 (82)	27 (28)	53 (41)	68 (64)	3 (0)	1 (5)	2 (2)	12 (6)

(numbers in parentheses for same period last year)

Total Number of Incidents Per Field Office This Period:

1	2	3	4	5	6
5	9	12	5	20	15

* The "Other" column includes the categories from the database of – Dumping, fire, Theft, Vandalism, Unknown and Other.

During the period November 1, 2001, through November 30, 2001, 9 reports of manure releases were forwarded to the central office. A general summary and count by field office is presented below.

Month	Total Incidents Impacts	Feedlot Application	Confinement Water	Land	Transport	Hog	Cattle	Fowl	Other	Surface
October	4 (5)	0 (0)	2 (2)	2 (2)	0 (1)	3 (4)	0 (1)	1 (0)	0 (0)	2 (1)

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November	9 (3)	1 (0)	2 (2)	2 (1)	2 (0)	6 (3)	1 (0)	0 (0)	0 (0)	1 (1)
December	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
January	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
February	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
March	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
April	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
May	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
June	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
July	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
August	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
September	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
Total	13 (8)	1 (0)	4 (4)	4 (3)	0 (0)	9 (7)	1 (1)	1 (0)	0 (0)	3 (2)

(numbers in parentheses for the same period last year)

Total Number of Incidents Per Field Office This Period:

1	2	3	4	5	6
1	0	5	2	0	1

The following new enforcement actions were taken last month:

Name, Location and Field Office Number	Program	Alleged Violation	Action	Date
Norm O'Bannon, d/b/a O'Bannon Finishing, Buena Vista Co. (3)	Animal Feeding Operation; Solid Waste	Prohibited Discharge – Confinement; Operational Violations – Freeboard; Illegal Disposal	Order/Penalty \$2,500	11/6/01
Troy DeGroote; Casey DeGroote, Butler Co. (2)	Animal Feeding Operation; Air Quality; Solid Waste	Prohibited Discharge – Confinement; Operational Violations – Freeboard; Open Burning; Illegal Disposal	Order/Penalty \$1,100	11/6/01
Max and Phyllis Graber; Burdean Graber, Washington Co. (6)	Animal Feeding Operation	Prohibited Discharge – Confinement; Water Quality Violations – General Criteria	Order/Penalty \$2,000	11/6/01
Crestview Trailer Park, Ames (5)	Drinking Water	Monitoring/Reporting – Bacteria; Public Notice	Order/Penalty \$2,500	11/6/01
Springbrook, City of (1)	Drinking Water	MCL – Bacteria	Order	11/6/01
Blairs Ferry Manor, Toddville (1)	Drinking Water	MCL – Bacteria	Order	11/6/01
Crestwood Acres, Toddville (1)	Drinking Water	MCL – Bacteria	Order	11/6/01
Farmers Cooperative Company, Bayard (4)	Air Quality	Fugitive Dust	Order	11/6/01
Envirobate Management Services, Ankeny (5)	Air Quality	Asbestos	Consent Amendment	11/6/01
Lessard Contracting, Inc., Pottawattamie Co. (4)	Wastewater	Prohibited Discharge	Order/Penalty \$2,500	11/20/01
Duane Majewski,	Animal Feeding	Prohibited Discharge – Confinement;	Order/Penalty	11/20/01

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Butler Co. (2)	Operation	Water Quality Violations – General	\$3,000	
Dave Hansel, Hamilton Co. (2)	Animal Feeding Operation	Failure to Submit Plan; Record Keeping; Uncertified Applicator	Order/Penalty \$1,300	11/20/01
Bunge Corporation, Council Bluffs (4)	Air Quality	Emission Standards – Particulate	Order/Penalty \$4,000	11/20/01

The following administrative penalties are due:

NAME/LOCATION	PROGRAM	AMOUNT	DUE DATE
Bill Dettman d/b/a Dettman Oil Co. (Fonda)	UT	2,800	9-15-94
M & L Service; Loyal Dorr; Mark Courtney (Guthrie Center)	UT	1,000	8-30-95
Keith Owens and Howard Maurer (Wilton)	UT	3,100	1-01-96
Ronald Slocum; Tammy Lynn Determan (Marshall Co.)	SW	10,000	5-24-97
Sale-R-Villa Const., Inc. (Perry)	AQ	7,000	4-28-98
Larry Cope, Susan E. Cope, Bill VanPelt (Carlisle)	WW	1,500	5-05-98
Leland DeWitt (Louisa Co.)	AQ/SW	3,000	11-21-98
Otter Creek Station (Dubuque Co.)	WS	325	3-04-99
* Orrie's Supper Club, Inc. (Hudson)	WS	390	6-01-99
Charlie's Supper Club (Algona)	WS	100	7-01-99
Hidden Valley Mobile Home Court (Washington Co.)	WS	200	7-26-99
* Hidden Valley Mobile Home Park (Washington)	WW	200	12-12-99
* Minifarm Acres, Inc. (Cedar Co.)	WS	375	1-29-99
Dorchester Supper Club (Dorchester)	WS	100	3-08-00
Plain Salvage Inc. (Sac City)	AQ/SW	10,000	5-12-00
Steve Friesth (Webster Co.)	AQ/SW	4,000	6-05-00
Don Casterline; Myron Casterline (Van Wert)	UT	2,000	6-14-00
* Rimade, Inc. (Manning)	SW/WW	1,000	8-01-00
R & R Ranch (Osceola)	WW	10,000	8-30-00
Robert Watson (Griswold)	UT	1,700	9-03-00
Coralville Lake Terrace Assoc. (Johnson Co.)	WS	1,500	9-05-00
John Smith d/b/a Four-Corners Tap (Lockridge)	AQ/SW	1,000	9-24-00
Mt. Joy Mobile Home Park (Davenport)	WS	1,500	11-23-00
American Legion – Swisher Post #671 (Swisher)	WS	500	12-25-00
Sac City, City of	WW	2,400	1-01-01
Country Stores of Carroll, Ltd. (Carroll)	UT	4,700	1-17-01
Alice Hillhouse; Hillhouse Real Estate Corp. (Denison)	UT	3,000	2-28-01
* Robert Simon (Dubuque Co.)	AQ/SW	1,600	3-02-01
Michael Bauer (Davenport)	UT	5,100	3-13-01
* Lorene Logue (Lucas Co.)	AQ/SW	62.50	3-15-01
Paul Riha d/b/a Riha Auto Sales (Vining)	UT	1,200	5-06-01
Iowa Skate U (Iowa Falls)	WS	500	5-11-01
Max Dalhauser (West Bend)	UT	670	5-15-01
##Neal Anthony d/b/a Anthony's Trucking (LeMars)	AFO	1,200	6-05-01
Dallas O'Neal; Linda O'Neal (Council Bluffs)	UT	750	6-05-01
* Seven Ponds Park (Sperry)	WS	100	6-15-01
Marvin Oberly (Burlington)	WW	1,300	6-27-01
Teckenburg, Inc.; Jerry Teckenburg (Cedar Rapids)	UT	6,380	7-06-01
David and Marie Phillips (Milo)	WW	1,300	7-09-01
Metro Wrecking d/b/a Metro Wrecking & Excavating (Clive)	AQ	6,000	7-18-01
T V S, Inc.; Thomas Kockler d/b/a The Van Shack (Manly)	AQ	2,000	7-28-01
Wisconsin North dba National Petroleum, Inc. (Clinton)	UT	5,000	8-04-01
Wisconsin North dba National Petroleum (Clinton)	UT	1,000	8-04-01
Keith Craig; The Farm (Council Bluffs)	UT	3,890	8-08-01
Wisconsin North dba National Petroleum (Clinton)	UT	2,840	8-21-01
##Roger Bockes, et. al. (Tama Co.)	AFO	2,000	9-15-01
Bee Rite Tire Disposal; Jerry Yeomens (Marshall Co.)	SW	10,000	9-18-01
Carpenter Bar & Grill (Carpenter)	WS	100	9-28-01
Minnesota Rubber Company (Mason City)	AQ	3,000	9-30-01
* R.V. Hopkins, Inc. (Davenport)	AQ	Int.	10-01-01
Mark Buringrud fdba Carpenter Bar & Grill (Carpenter)	WS	2,500	10-26-01
Jerry Feilen and Rick Bain (Pottawattamie Co.)	AQ/SW	4,000	10-27-01
Louisa County Regional Solid Waste Agency	SW	1,250	10-27-01
# Empire Land and Cattle Co. (Crawford Co.)	AFO	3,000	11-09-01

U.S. Petro, Inc.; Sam Singh (Bettendorf)	UT	14,000	11-16-01
Martin Marietta Materials, Inc. (Webster Co.) (SEP)	SW	17,500	11-17-01
* Fred Konfrst d/b/a Fred's Trash Service (Mills Co.)	AQ/SW	1,500	11-21-01
Quality Mat Co., Inc. (Waterloo)	AQ	8,500	12-01-01
Bulk Petroleum Corp.; Break Point Stores #537 (Bondurant)	UT	1,000	12-02-01
Bulk Petroleum Corp.; Four Mile Texaco #536 (Des Moines)	UT	1,000	12-02-01
Elite, Ltd.; FS Energy Fuel 24, LLC; Roger Kanne	UT	3,400	12-03-01
# Dave Kabela; Frank & Darlene Kabela (Cedar Co.)	AFO	2,000	1-05-02
# Max and Phyllis Graber; Burdean Graber (Washington Co.)	AFO	2,000	1-14-02
* Kiefer Built, Inc. (Kanawha)	AQ	7,500	4-30-02
Independence Mobile Home Park (Independence)	WS	800	----
Deer Ridge Estates (Ottumwa)	WS	100	----
PM Beef Group, LLC (Hartley) SEP	WW	4,380	----
# Fairlawn Farms, Inc. (Jones Co.)	AFO	3,000	----
Iowa Coaches, Inc.; David Sherman (Dubuque)	UT	3,960	----
# Troy DeGroot; Casey DeGroot (Butler Co.)	AFO/AQ/SW	1,100	----
Crestview Trailer Park (Ames)	WS	2,500	----
# Norm O'Bannon d/b/a O'Bannon Finishing (Buena Vista Co.)	AFO/SW	2,500	----
Lessard Contracting (Pottawattamie Co.)	WW	2,500	----
# Dave Hansel (Hamilton Co.)	AFO	1,300	----
# Duane Majewski (Butler Co.)	AFO	3,000	----
Bunge Corporation (Council Bluffs)	AQ	4,000	----
TOTAL		227,672	

The following cases have been referred to the Attorney General:

Donald P. Ervin (Ft. Dodge)	SW	669	3-05-90
Robert and Sally Shelley (Guthrie Center)	SW	1,000	3-04-91
Vernus Wunschel d/b/a Wunschel Oil (Ida Grove)	UT	300	1-12-92
Verna and Don Reed; Andrea Silsby (Union Co.)	SW	1,000	4-07-94
Relative, Inc.; Doug Smuck (Des Moines)	UT	3,070	10-11-94
Relative, Inc.; Doug Smuck (Des Moines)	UT	600	10-11-94
Trust Trucking Corp.; Jim and Brenda Huyser (Lovilia)	UT	840	11-01-94
Paul Underwood d/b/a Underwood Excavating (Cedar Rapids)	AQ	4,000	3-24-95
Oscar Hahn (Solon)	AQ/SW	2,000	8-29-95
Randy Ballard (Fayette Co.)	FP	2,000	5-30-95
ESCORP Associates Ltd.; Arnold Olson (Cedar Rapids)	AQ	10,000	7-09-95
Long Branch Tavern (Monmouth)	WS	100	5-01-96
Long Branch Tavern (Monmouth)	WS	6,400	10-28-96
Long Branch Tavern (Monmouth)	WS	200	3-18-97
Dean Williams d/b/a Williams Oil Co. (Stuart)	UT	4,800	
Don Grell d/b/a Dodger Enterprises (Ft. Dodge)	AQ	10,000	2-16-93
Robert Jeff White (Dallas Co.)	AQ/SW	10,000	7-14-97
Edward Bodensteiner (Des Moines)	UT	3,200	3-31-96
Wunschel Oil, et.al. (Battle Creek)	UT	4,400	12-23-96
James LaFollette d/b/a Jim's Tree Service; Kurt Douglas (Marion Co.)	AQ/SW	2,000	2-16-98
*Ken Frese (Keokuk Co.)	AQ/SW	175	1-09-97
Elery Fry; Allen Fry; Becky Sandeen (Monroe Co.)	SW	6,000	1-20-96
Patrick McCoy (Keokuk Co.)	AQ/SW	2,000	2-10-96
Russell Barkema d/b/a Barkema Construction (Wright Co.)	AQ/SW	1,000	3-31-98
Action Jack's Paintball Park (Polk Co.)	SW/FP	10,000	11-07-98
#*Harold Unternahrer (Washington Co.)	AFO	700	5-01-99
Hofer's Danceland Ballroom (Walford)	WS	3,200	4-19-97
Hofer's Danceland Ballroom (Walford)	WS	100	4-23-99
Ray Stamper; Bryan Zenor (Polk Co.)	SW	2,000	12-12-98
Russell Zook d/b/a Haskin's Recycling (Washington Co.)	AQ/SW	5,000	12-19-98
Phillips Recycling; Jeff Phillips (Story Co.)	WW	1,800	3-06-99
Greg Morton; Brenda Hornyak (Decatur Co.)	SW/AQ/WW	3,000	11-04-98
Jim Walker (Johnson Co.)	AQ/SW	3,000	2-14-99
Iowa Millenium Investors, LLC (Sumner)	UT	4,000	10-12-99
Daryl & Karen Hollingsworth d/b/a Medora Store (Indianola)	UT	10,000	
Ralene Hawkins d/b/a R.J. Express Salvage & Demolition;	AQ/SW	1,000	7-01-00
Clara Lindstadt (Des Moines Co.)			

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Jim Ledenbach d/b/a Paper Recovery Company (Cedar Rapids)	SW	5,000	1-23-00
Organic Technologies Corp.; Tim Danley; Ken Renfro (Warren Co.)	SW/WW	10,000	5-26-00
* Lester Holmes; Todd Holmes (Lucas County)	AQ	4,000	10-15-00
James Harter (Fairfield)	WW	1,800	1-29-00
# Rustad Farms, Inc. (Butler Co.)	AFO	3,000	10-06-00
Crestview Mobile Home Park (Ames)	WW	10,000	8-30-00
10 th Hole Food & Spirits (Calamus)	WS	1,000	3-14-00
Winter Mobile Home Park (New Hampton)	WS	2,500	11-19-00
Winter Mobile Home Park (New Hampton)	WS	1,000	6-13-00
Lindahl & Sons Salvage (Boone)	AQ/SW	10,000	11-29-00
Osterdock Store (Guttenberg)	WS	500	10-16-00
West Liberty, City of	WW	5,000	
TOTAL		173,354	

The following administrative penalties have been appealed:

NAME/LOCATION	PROGRAM	AMOUNT
Frank Hulshizer (Benton Co.)	SW	500
American Coals Corporation - Site #5 (Bussey)	AQ/SW	10,000
Wunschel Oil, et.al. (Ida Grove)	UT	10,000
Titan Wheel International, Inc. (Walcott)	WW	10,000
Simonsen Industries, Inc. (Cherokee Co.)	WW	5,000
Dennis Malone & Joanne Malone (Morning Sun)	UT	600
Boyer Valley Company (Arion)	WW	8,000
Wilbur McNear; Gilbert Persinger (Smithland)	UT	2,500
Wilbur McNear d/b/a McNear Oil Co. (Charter Oak)	UT	2,000
Clarence, City of	WW	3,000
Dallas County Care Facility (Adel)	WW	2,500
Margaret and Gene Palmersheim d/b/a G & M Service Mart (Greeley)	UT	1,500
#Boomsma Egg Site #1; A.J. DeCoster (Wright Co.)	WW	1,000
Richard Sprague (Tripoli)	AQ/SW	5,000
Bellevue Golf Club, Inc. (Bellevue)	WS	300
Brittany Estates Addition (Manchester)	WS	4,000
Robert Frees; Elizabeth Mathes (Washington Co.)	SW	1,000
Robert Diehl (Clarke Co.)	WW/WS	5,000
Duane Hanson d/b/a Cedar Valley Tire Recycling (Allamakee Co.)	SW	5,000
# Bernadette Ryan (Delaware Co.)	AFO	3,000
Lonnie King (Marion Co.)	AQ/SW	1,600
Dayton, City of	WW	10,000
# Peter Bockenstedt (Dubuque Co.)	AFO	3,000
Westside Park for Mobile Homes (Burlington)	WW	7,000
Gerald and Judith Vens (Scott Co.)	FP	5,000
Affordable Asbestos Removal, Inc.; Jeffry Intlekofer (Ft. Madison)	AQ	10,000
# Eugene P. Reed, Ltd. (Henry Co.)	AFO	1,500
Julie Rowe d/b/a Jewell's Food & Spirits (Troy Mills)	WS	1,000
# Robert Fisher (Hamilton Co.)	AFO	3,000
Rocky Knoll Mobile Home Park (Forest City)	WS	3,000
# Iowa Select Farms, L.P.; AG Waste Consultants (Hamilton Co.)	AFO	3,000
# Leonard Rayonds; Randy Schleusner (Hancock Co.)	AFO	3,000
Benefit Water District #2 (Boone Co.)	WS	2,500
Minsa Corporation (Red Oak)	WW	10,000
Dennis Severson d/b/a Huxley Dry Cleaners (Huxley)	AQ	4,500
Bruening Rock Products, Inc. (Decorah)	WW	8,000
New Virginia Sanitary District (New Virginia)	WW	5,000
LT Tap (Waucoma)	WS	500
Minnesota Mining and Manufacturing d/b/a 3M (Knoxville)	AQ	1,000
# Leo Pieper (Guthrie Co.)	AFO	2,500
Boondocks Truck Haven (Williams)	WS	2,750
# Dan Witt (Clinton Co.)	AFO	3,000
Twin Anchors R.V. Resort, Inc. (Story Co.)	WW	5,000
AGP Grain Cooperative (Klemme)	AQ	5,000
# Thomas and Jane Kronlage (Coggon)	AFO	3,000

Brecht Enterprises, Inc. (Iowa Co.)	AQ/SW	4,000
The Farmers Co-Operative Society d/b/a Wesley Coop	AQ	5,000
Freisen of Iowa, Inc. (Storm Lake)	AQ	10,000
Dodgen Industries d/b/a Cabinet Masters, Inc. (Humboldt)	AQ	6,000
Linwood Mining & Minerals Co. (Davenport)	AQ	10,000
Duane Crees (Muscatine Co.)	AQ/SW	1,160
James Nizzi d/b/a Alice's Spaghettiland (Clive)	WS	2,950
R. Excavating, Inc.; Randy Golden (Pottawattamie Co.)	WW	10,000
Braddyville, City of	WW	3,500
John Saathoff (Grafton)	AQ	500
# Floyd Kroeze (Butler Co.)	AFO	3,000
Sunnybrook Mobile Home Park (Polk Co.)	WW	5,000
Carter Lake, City of	SW	2,000
Jefferson, City of	WW	5,000
Richard Thompson d/b/a/ Thompson Auto Parts (Story Co.)	WW/SW	1,000
Envirobate Management Services (Johnston)	AQ	3,000
Jefferson, City of	WW	5,000
Onawa Country Club (Onawa)	WS	1,500
Jemco, Inc.; Bud Nelson (Audubon)	UT	3,570
# Burco Farms, Inc. (Buchanan Co.)	AFO	3,000
Wayne Wheatley; Wheatley Auto and Truck Service (Walnut)	UT	3,900
Shewry L.P.; Don Shewry (Davenport)	WW	7,500
GMNW Investments, L.L.C. (Hamburg)	WW	5,000
Eagle Investors dba Manson Ampride (Manson)	UT	4,650
Gene Moeller Oil Co. (Fort Dodge)	UT	6,000
Noble Ford Mercury, Inc. (Indianola)	WW	5,000
John Hoth (Tama)	UT	9,250
Dostal Construction, Inc. (Tama Co.)	AQ/SW	4,500
Used Tire Sales & Service (Webster Co.)	SW	10,000
Tama Beef Packing, Inc. (Tama)	WW/SW	1,000
Bulk Petroleum Corp. dba Citgo No. 596 (Des Moines)	UT	1,600
James Clark (Logan)	UT	3,500
Midland Transportation Co. (Marshalltown)	UT	4,460
Midway Oil Company (West Branch)	UT	7,300
Midway Oil Company (Davenport)	UT	5,790
* Lester Davis (Polk Co.)	AQ	1,080
Long Branch Maintenance Corp. (Earlham)	WW	5,000
ABC Disposal Systems, Inc. (Hiawatha)	SW	5,000
Nevada, City of	UT	5,600
Trajet Products, Inc. (Glenwood)	AQ	10,000
Earlham, City of	WW	10,000
Lenertz, Inc.; Fred G. Lenertz; Lawrence Lenertz (Tama)	UT	10,000
Bob Luke (Washington Co.)	AQ/SW/WW	4,000
Mark Broderick (Dallas Co.)	WW	4,000
Lawrence Korver d/b/a Korver Development (Orange City)	WW	5,000
Sir Fredericks, Inc.; Fred Scherle (Ankeny)	UT	2,280
Feeders Grain Supply; James & Carolyn Curtis (Corning)	WW/HC	6,000
Riceville, City of	AQ/SW	1,000
Allison Ag Center (Butler Co.)	WW/HC	3,000
Finney Industrial Painting, Inc. (Fairfield)	AQ	2,500
Clearfield, City of	WW	3,500
Advanced Component Technologies (Northwood)	AQ	5,000
Clearfield Community School District (Clearfield)	WW	1,000
LeMars, City of	WW	10,000
Dallas County Care Facility (Adel)	WW	5,000
TOTAL		447,340

The following administrative penalties were paid last month:

Environmental Protection Commission Minutes

January 2000

NAME/LOCATION	PROGRAM	AMOUNT
* R.V. Hopkins, Inc. (Davenport)	AQ	500
* Lorene Logue (Lucas Co.)	AQ/SW	62.50
Kay Enterprises, Inc. (Janesville)	AQ	5,000
Knox Corporation (Davenport)	UT	750
* Kiefer Built, Inc. (Kanawha)	AQ	2,500
James Kitchen d/b/a Kitchen Construction (Howard Co.)	AQ/SW/FP	4,000
* Michael Roberts (Page Co.) PAID IN FULL	AQ	75
Ward Land Development LLC; WBD, Inc.; W. David Ward	WW/FP	2,500
# Dan Gotto (Dubuque Co.)	AFO	500
# Dan Fox d/b/a Modern Manure Handling (Audubon Co.)	AFO	300
James Nizzi d/b/a Alice's Spaghettiland (Clive)	WS	50
Don Anderson; Brentwood L.L.C. (Polk Co.)	WW	8,000
TOTAL		24,237.50

Name, Location and Region Number	Program	Alleged Violation	DNR Action	New or updated Status	Date
10 th Hole Food & Spirits	Drinking	Monitoring/Reporting		Referred	3/19/01
Calamus	Water	– Bacteria, Nitrate	Order/Penalty	Motion for Judgment Hearing	8/20/01 9/05/01
Affordable Asbestos Removal, Inc.; Jeffrey Intelkofer Iowa City (6)	Air Quality	Asbestos	Referred to Attorney General	Referred Petition Filed Motion for Partial Summary Judgment Ruling Denying Motion Trial Date	3/20/00 4/19/00 2/26/01 4/20/01 2/04/02
Affordable Asbestos Removal, Inc. Jeffrey Intelkofer Iowa City (6)	Air Quality	DNR Defendant	Defense	Petition Filed Answer Ruling Defendant's Notice of Appeal	12/28/00 1/18/01 7/09/01 7/30/01
Bierman, Elaine and Kurt d/b/a Osterdock Store Guttenberg (1)	Drinking Water	Monitoring/Reporting – Bacteria; MCL – Bacteria; Public Notice	Order/Penalty	Referred	7/16/01
Castenson, David; Kristi A. Castenson, Barbara June Cummins; Velma Castenson d/b/a B & D Farms Webster Co. (2)	Wastewater	DNR Defendant	Defense	Petition Filed Motion to Strike Answer Petitioner's Motion to Adjudicate Law Points State's Resistance	7/17/00 8/07/00 8/15/00 10/03/00 10/16/00
Crane, John & Frieda d/b/a Hillside Mobile Home Park Ames (5)	Wastewater	Discharge Limits	Order	Referred	2/19/01
Holnam Incorporated Mason City (2)	Air Quality	Excess Emissions	Referred to Attorney General	Referred	3/15/99
Huyser, James; Trust Trucking Lovilia (5)	Underground Tank	Site Assessment	Referred to Attorney General	Referred Petition Filed Dismissed for Lack of Service Bankruptcy Petition Filed	11/21/94 4/18/96 9/20/96 9/20/96
Indian Creek Corp. Jasper Co. (5)	Animal Feeding Operation	Failure to Retain; Freeboard Violations; Failure to Have Approved MMP	Referred to Attorney General	Referred Petition Filled Motion for Partial Summary Judgment Hearing Ruling Denying Partial Summary Judgment Trial	4/17/00 9/27/00 8/10/01 9/11/01 9/14/01 10/24,25/01

Larson, Daryl Jones Co. (1)	Animal Feeding Operation	Freeboard Cleanup Costs	Referred to Attorney General	Referred Petition Filed Answer Motion for Summary Judgment Hearing Ruling (\$80,000 Clean-up Costs) Trial on Liability	5/17/99 11/02/00 12/07/00 7/16/01 8/31/01 9/02/01 11/07/01
Ledenbach, Jim d/b/a Paper Recovery Cedar Rapids (1)	Solid Waste	Illegal Disposal	Order/Penalty	Referred Petition	4/17/99 6/01/01
Lehigh Portland Cement Co. Mason City (2)	Air Quality	Construction Without Permit	Referred to Attorney General	Referred Petition Filed Trial Date	8/17/98 11/05/99 10/29/02
Lindhahl, Don and Tim d/b/a Lindahl & Sons Salvage Boone (5)	Air Quality Solid Waste	Open Burning Illegal Disposal	Order/Penalty	Referred	5/21/01
Melsha Tap, Inc. Swisher (6)	Drinking Water	Monitoring/Reporting – Bacteria, Nitrate; public Notice	Order/Penalty	Referred Admin. Penalty (\$300)	7/16/01 8/02/01
Morgan, Ron d/b/a Action Jack's Paintball Park Polk Co. (5)	Solid Waste	Illegal Disposal	Order/Penalty	Referred	2/15/99
Nelson, Paul d/b/a Crestview Mobile Home Park Ames (5)	Wastewater	Discharge Limits	Order/Penalty	Referred	2/19/01
Organic Technologies; Tim Danley; Ken Renfrow; Mike Danley Warren Co. (5)	Solid Waste	Permit Violations	Referred to Attorney General	Referred Petition Filed Application for Temporary Injunction Temporary Injunction Trial Date Partial Judgment (Clean-up Order)	12/15/97 10/02/98 2/04/99 4/19/99 9/13/00 9/28/00
Sunrise Dairy Farms, LLC Benton Co. (1)	Animal Feeding Operation	Construction Without Permit; Prohibited Discharge; Failure to Report a Release; Failure to Update MMP; Uncertified Applicator; Water Quality Violations	Referred to Attorney General	Referred	8/20/01
Thomas, Donald L. and Barbara S. Linn Co.	Solid Waste	DNR Defendant	Defense	Petition for Judicial Review	9/21/01
West Liberty, City of (6)	Wastewater	Discharge Limits; Operational Violations	Order/Penalty	Referred	7/16/01
White, Robert Jeff White, Dave Dallas Center (5)	Air Quality; Solid Waste	Open Burning; Illegal Disposal	Order/Penalty	Referred Petition Filed Dismissed Without Prejudice Petition Against Dave White Filed Answer Filed Trial Order (Clean-Up and Injunction) Penalty Hearing Order Assessing Civil Penalties (\$10,000)	4/20/98 2/05/99 9/24/99 11/15/99 12/06/99 1/31/01 2/27/01 10/04/01 10/04/01
Williams Pipeline Company LLC Waterloo/Dubuque/Milford (1, 3)	Air Quality	Construction Without Permit	Order	Referred	7/16/01

Winter Mobile Home Park New Hampton (1)	Drinking Water	Operation Permit; Monitoring/Reporting – Bacteria	Without	Order/Penalty	Referred	4/16/01
Wunschel Oil Co.; Vernus Wunschel and Jaquelyn Wunschel Battle Creek (3)	Underground Tank	Site Assessment		Referred to Attorney General	Referred Motion for Judgment Consent Decree (\$6,400/Admin.) Referred Petition Filed Defendant's Motion to Dismiss State's Resistance Denial of Defendant's Motion to Dismiss Motion for Partial Summary Judgment Hearing Order Granting Partial Summary Judgment Notice of Appeal State's Motion to Dismiss Defendant's Motion to Dismiss State's Resistance Defendant's Dismissal of Appeal Order Denying Defendant's Motion to Dismiss Trial Date	1/17/95 8/28/96 12/13/96 3/30/98 9/01/00 9/08/00 9/19/00 11/07/00 2/16/01 4/26/01 5/09/01 6/07/01 6/18/01 6/19/01 6/20/01 7/06/01 7/20/01 6/11/02
11/03/89	Bridgestone/Firestone, Inc.	5	Site Registry	HC	Tack	Hearing continued pending negotiations. Settlement proposed 8/96. Status report requested from land quality bureau 12/1/99.
6/20/90	Des Moines, City of	5	NPDES Permit Cond.	WW	Hansen	EPD met with City to resolve appeal issues. Follow-up with EPD regarding status-3/97. 12/28/99 – F.O. 5 letter to City regarding resolution of permit issues. 3/6/00 – F.O. 5 met with City concerning permit issues. 2/5/01 – WW drafting new permit. 4/30/01 – WW contacted regarding status of new permit. Draft permit sent for City review and public notice on 4/19/01. 8/01/01 – Dept. permits section contacted concerning status of permit re-issuance. Comments from City on proposed permit have been received. 9/28/01 – Dept. Permit Section contacted regarding status of permit issuance. 11/30/01 – WW permits staff, final permit to be issued in 12/01.
7/02/90	Keokuk Savings Bank and Trust; Keokuk Coal Gas Site	6	Site Registry	HW	Tack	Hearing continued. Status report requested from land quality bureau on 12/1/99.
7/30/90	Key City Coal Gas Site; and Howard Pixler	1	Site Registry	HW	Tack	Decision appealed (Pixler) Site remediation completed. Status report requested from land quality bureau 12/1/99.
9/25/91	Archer Daniels Midland	6	Admin. Order	SW	Tack	Closure permit issued 1/10/00. Closure to be completed by 9/1/01.
5/12/92	Paris & Sons, Inc.	1	Site Registry	HC	Wornson	Bankruptcy dismissed. Negotiations with creditor to enroll in LRP and complete site assessment.
11/16/92	Frank Hulshizer	1	Admin. Order/Penalty	SW	Tack	Settled. Abatement agreement signed 9/21/99. Penalty to be forgiven upon completion of clean-up. Clean-up scheduled for 10/01.
4/05/93	Mapleton, City of	4	WW Operator Certification	WW	Hansen	Under review by EPD. Appeal discussion with EPD staff. 2/28/00 – Letter to City attorney regarding setting for hearing. 3/00 – Dept. reviewing City Engineer's submittal. 6/26/01 – Dept. permits section contacted

						concerning review of information supplied by City engineer. 7/01 – City referred for Admin. Order for wastewater violations.
10/07/94	Titan Wheel International	6	Admin. Order/Penalty	WW	Hansen	Revised BMR report submitted/reviewed by WW Permits. Letter to facility regarding report. 3/2/00 – Letter to attorney regarding setting appeal for hearing. 3/23/00 – Response received from attorney regarding appeal. 9/18/00 – Meeting with Titan to discuss compliance, treatment agreement and permit. Company requested to submit BMR and Toxic Organic Management Plan. 10/25/00 – Titan staff met with Dept. to discuss Titan's treatment agreement with the City and other issues. 3/27/01 – Revised treatment agreement entered into between Titan and City of Walcott. 5/31/01 – FO contacted regarding appeal resolution.
1/13/95	Simonsen Industries, Inc.	5	Admin. Order/Penalty	WW	Hansen	2/28/95 - Submittal by facility's engineer regarding land application of sludge. Under review by WW permits staff. Update requested from WW staff. 2/1/00 – Report on compliance requested from FO and WW staff. 2/2/00 – Permit to be issued to facility. 6/29/00 – Status report on permit requested from WW permit staff. 9/00 – Per WW permit staff, company's engineer to submit further information prior to issuance of permit. 4/30/01 – Status report requested from WW section engineer. 5/1/01 – Company engineer needs to provide further information to process permit. Engineer was contacted and agreed to provide requested information. 6/29/01 – Status report on permit issuance requested from Dept. WW engineer. 7/31/01 – Per WW permits section Dept. received modified proposal for land application on 6/20/01. Proposal under review. 8/27/01 – Dept. engineer requested more information. 8/30/01 – Draft permits prepared. 9/17/01 – Per WW Permits Section new site survey conducted. 10/01 – Per WW permits staff company engineer to provide additional information on new land application site. 11/08/01 – Status report received from WW permits concerning Dept. approval of land application sites.
4/13/95	The Weitz Corp.; Barton Solvents, Inc.	5	Admin. Order	HC	Tack	Remediation plan received 5/27/96. 6/9/00 – Initial remedial measures completed. Final treatment system expected to begin operation by 11/01/01.
6/20/95	Toledo, City of	5	Permit Conditions	WW	Hansen	Dept. letter to facility's engineer regarding resolving appeal. 1/3/00 – Revised WLA and permit limits sent to facility. 1/26/00 – Dept. letter to WW engineer regarding construction schedule to meet revised permit limits. 2/28/00 – Follow-up letter to City regarding construction schedule. 3/20/00 – Response from City attorney with agreement to submit construction schedule by 4/20/00. 4/27/00 – Discussion with City attorney regarding City's schedule. 6/14/00 – Letter received from attorney requesting meeting to discuss compliance schedule. 7/28/00 – Letter to City attorney scheduling meeting for 8/3/00. Letter from City attorney regarding scheduling a meeting. 9/25/00 – Meeting attended by FO5, city attorney and city engineer regarding compliance schedule. City to submit revised schedule by 11/15/00 for submittal of flow study and preliminary engineering report. 11/14/00 – Letter from

						City Engineer with proposed schedule. 4/1/01 – City to begin work on Plan of Action. 10/31/01 – City to submit Plan of Action to Dept. for review.
7/05/95	Boyer Valley Co.	4	Admin. Order/Penalty	WW	Hansen	Informal meeting held for 6/7/96. Response from facility due 6/28/96. Response received from facility 7/96. 3/2/00 – Letter to attorney concerning appeal resolution. 3/17/00 – Letter received from company attorney. 5/1/01 – Letter to company attorney regarding settlement. 5/16/01 – Company attorney contacted Dept. to discuss appeal. 6/29/01 – Dept. follow-up letter to company's attorney. 7/20/01- Settlement offer received from company's attorney. 9/28/01 – Counter offer sent to company attorney. 10/31/01 – Company attorney sent counter offer. 11/6/01 – Dept. letter accepting counter offer concerning penalty. Settled pending penalty payment.
7/10/95	Gilbert Persinger/Smithland Store	3	Admin. Order/Penalty	UT	Wornson	SCR received - rejected. 4/01 – Received Tier 2.
8/01/95	Wilbur McNear d/b/a McNear Oil Co./Charter Oak	4	Admin. Order/Penalty	UT	Wornson	SCR received/rejected. Placed on state lead. Negotiating penalty.
9/20/95	FKI Industries, Inc.; Fairfield Aluminum, Inc.	6	Admin. Order	WW/HC	Tack	Negotiating before filing. Attorneys contacted 2/99. Reassigned 6/1/01/
1/12/96	Clarence, City of	6	Admin. Order/Penalty	WW	Hansen	1/96 - Facility inspected by FO 6. 9/96 letter from facility attorney stating construction completed. 2/1/00 – Status report on compliance requested from FO 6. 2/2/00 – Dept. to send settlement offer to City. City has returned to compliance. 2/28/00 Settlement offer to City attorney. 3/30/00 – Follow-up letter to attorney. 4/21/00 – Contact by new City attorney. City will consider settlement offer at 5/8/00 City Council meeting and respond by 5/20/00. 5/1/01 – Letter to City attorney regarding settlement. 5/30/01 – Follow-up letter sent to City attorney. 6/22/01 – Per telephone conversation with City attorney, Dept. settlement offer on city council agenda for 7/9/01. 8/1/01 – Letter sent to City attorney. 9/19/01 – Sent to DIA to be set for hearing. 10/11/01 – Set for hearing on 11/27/01. 11/13/01 – Penalty settled; to be paid in December. 11/14/01 – City attorney letter to ALJ advising of settlement. ALJ order continuing hearing pending payment of penalty. Appeal will be closed by ALJ once penalty is paid.
1/25/96	Hidden Valley Mobile Home Park	6	Admin. Order/Penalty	WW	Clark	Compliance inspection 9/27/00. Satisfactory compliance achieved. Penalty settlement negotiations commenced.
3/11/96	Dallas County Care Facility	5	Admin. Order/Penalty	WW	Hansen	4/01 – FO5 inspection. Facility is not in compliance. 6/01 – New order to be issued to facility. 8/30/01 – Awaiting Director's signature on order. 10/15/01 – Order signed by Director and issued. 11/21/01 – Facility sent letter stating intent to appeal order.
5/07/96	Lakeview Mobile Home Park	5	Admin. Order/Penalty	WW	Hansen	6/20/96 - informal meeting held. Facility to provide settlement offer by 7/15/96. Settlement offer received from facility - under review. 2/27/99 0 FO contacted regarding appeal resolution. 5/1/01 – FO5

						contacted regarding resolution of appeal.
5/16/96	Grand Laboratories, Inc.	3	Permit Denial	WW	Hansen	Information received and reviewed by EPD. Settlement offer and revised permit sent to facility 7/97. Response received 8/97. Under review by EPD. Facility to provide further response and settlement offer to DNR by 3/15/98. 3/13/98 Dept. received proposal from facility engineer. 3/20/98 Dept. review of proposal completed. 8/98 – Letter to Grand Labs rejecting their proposal. 9/25/98 letter from Grand Labs regarding settlement. Grand Labs to submit new settlement 3/99. 5/99 Grand Labs submitted settlement proposal; under review by WW and WQ staff. 2/29/00 – Response received from WQ engineer. Staff reviewing for decision. 8/1/01 – Letter to company concerning resolving remaining issue in appeal. 9/19/01 and 9/25/01 – Per Dept. TC's with company, company will send letter concerning resolution of appeal. 10/5/01 – Response received from company, order review by WW permits staff. 11/15/01 – Letter received regarding new site for land application.
8/09/96	Gene and Margaret Palmersheim d/b/a G & M Service Mart 8LT593	1	Admin. Order/Penalty	UT	Wornson	Tier 2 received. Negotiating penalty. Placed on State lead.
7/22/97	Robert P. Frees; Elizabeth R. Mathes	6	Admin. Order/Penalty	SW	Tack	Settlement reached. Cleanup underway.
1/16/98	Pilgrim Heights Camp		NPDES Permit Conditions	WW	Hansen	5/1/01 – WW staff contacted regarding resolution of appeal. 7/31/01 – Status report request from WW permits section. 9/28/01 – WW Permits Section contacted regarding resolution of appeal.
7/01/98	Ag Processing, Inc.	4	Permit Conditions	AQ	Preziosi	Negotiations continue.
10/03/98	Ag Processing, Inc. (Emmetsburg)	4	Permit Exemption Denial	AQ	Preziosi	Settlement close.
10/06/98	M & W Pallett Co.	6	Admin. Order	SW	Tack	Clean-up near completion as of 6/20/00. Pallets 95% ground. Dept. assisting in identifying markets for mulch.
10/08/98	West Liberty, City of	6	Admin. Order/Penalty	WW	Hansen	Informal procedures requested. 2/1/00 – Status report requested of FO 6. 2/02/00 – Report received from FO. 2/28/00 – Letter to attorney to schedule meeting resolving appeal. 2/28/00 – Status report concerning I/I work received. 3/24/00 – Meeting scheduled for 4/14/00 to discuss resolving appeal. 4/14/00 – Met with City attorney and officials concerning appeal. 7/26/00 – Dept. settlement offer drafted/under review by Dept. staff. 3/01 and 4/01 – Enforcement/settlement discussions among Dept. staff. 5/8/01 – Settlement offer sent to City attorney. 5/23/01 – Meeting held to discuss settlement offer. 6/28/01 – Proposed referral concerning NPDES permit violations to be place on July EPC agenda. 7/16/01 – Referral to AG office by EPC.
11/19/98	Jacobs Energy Corporation		Permit Denial	AQ	Book	8/01 – Letter to facility attorney to see if they want to continue appeal. 9/01 – Attorney is no longer representing Jacobs. Letter to Mr. Jacobs on 9/17/01. Has until 10/15/01 to

						respond or file will be closed. Mr. Jacobs responded and is working to get a new attorney. He has until 12/01/01 to get new attorney and set up meeting with Dept. or case will be set for hearing.
11/30/98	Robert Diehl	5	Admin. Order/Penalty	WW/W S	Murphy	5/1/01 – Preliminary engineering report approved 3/01; will monitor progress.
12/16/98	Richard Swailes		Permit Denial	FP	Clark	5/18/00 – Notification of imminent transfer to DIA. 7/5/00 - Appellant's attorney requests additional time for expert consultation.
1/13/99	Bernadette Ryan	1	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
1/20/99	Lonnie King	5	Admin. Order/Penalty	AQ/SW	Tack	Clean-up satisfactory. Settlement offer made 8/8/00.
3/04/99	Dayton, City of	2	Admin. Order/Penalty	WW	Murphy	12/1/01 – City progressing on facility improvements. Will monitor for progress.
3/16/99	Des Moines Independent School District – North High School	5	Site Registry	HC	Tack	Settlement letter sent by solid waste section 12/20/99.
3/18/99	Ag Processing, Inc. (Sergeant Bluff)		Title V Operation Permit Conditions	AQ	Preziosi	Settlement close.
3/23/99	Daniel J. Gotto	1	Admin. Order/Penalty	AFO	Clark	8/2/01 – Settlement letter sent. Settlement payment received. Case closed.
4/15/99	Robert Simon	1	Admin. Order/Penalty	AQ/SW	Tack	Settled. Paying penalty on payment plan. 8/01 – Penalty payment renegotiated – lump sum settlement due 10/15/01.
4/26/99	Gerald and Judith Vens	6	Admin. Order/Penalty	FP	Clark	Negotiating before filing.
7/19/99	Celotex Corp. (Ft. Dodge)	2	Permit Conditions	AQ	Preziosi	Settlement close.
7/27/99	Affordable Asbestos Removal; Jeffrey Intlekofer	6	Admin. Order/Penalty	AQ	Book	Hearing held 4/28/00. Judgment for DNR Appeal filed. Awaiting transcripts and briefing schedule. Initial brief due 9/25/00. Scheduled to go before November EPC meeting. 11/20/00 - EPC affirmed ALJ's proposed decision. Petition for judicial review filed 12/28/00. Record forwarded to Linn County Court and case given to the Attorney General. Judicial review briefs have been filed. Linn County District Court issued ruling and affirmed in part, remanded in part. Affordable has filed an appeal to the Supreme Court on the ruling. AG will be handling appeal to Supreme Court. 8/01 - Company filed a motion to stay Supreme Court portion until the ALJ rules on the remanded portion. Waiting for the Court's ruling on the motion.
9/08/99	Linwood Mining & Minerals	6	Permit Conditions	AQ	Preziosi	Settlement close.
9/10/99	Linwood Mining & Minerals	6	Permit Denial	AQ	Preziosi	Negotiating before filing.
9/13/99	Eugene P. Reed	6	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.

9/21/99	Julie Rowe d/b/a Jewel's Food & Spirits	1	Admin. Order/Penalty	WS	Murphy	Set for hearing 1/02.
10/22/99	Robert Fisher	2	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
11/10/99	Michael L. Roberts	4	Admin. Order/Penalty	AQ	Tack	Settled. \$750 payment plan. \$75 per month beginning 1/15/01. Penalty paid in full. Case closed.
11/15/99	Industrial Energy Applications	1	Permit Denial	AQ	Preziosi	Meeting held 8/28/00. Still negotiating. Requested guidance from EPA. Deadline 6/01/01. 6/29/01 – Awaiting EPA response. Meeting set for 9/20/01.
11/15/99	Rocky Knoll Mobile Home Park	2	Admin. Order/Penalty	WS	Tack	Compliance nearly completed. Penalty negotiations to begin upon compliance.
11/19/99	Climax Molybdenum Co.	6	Permit Denial	AQ	Preziosi	Meeting held 8/28/00. Still negotiating. Requested guidance from EPA. Deadline 6/01/01. 6/29/01 – Awaiting EPA response. Meeting set for 9/20/01.
12/01/99 12/08/99	Iowa Select Farms, L.P./AG Waste Consultants, Inc.	2	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
12/10/99	Leonard Rayhons; Randy Schleusner	2	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
1/20/00	New Virginia Sanitary Sewer District	5	Admin. Order	WW	Murphy	12/01 – Facility upgrade nearing completion.
2/07/00	Benefit Water District #2	5	Admin. Order/Penalty	WS	Murphy	12/01 – Sent to DIA.
2/22/00	MINSA Corporation	4	Admin. Order/Penalty	WW	Murphy	10/24/01 – Settlement proposal.
3/02/00	Dennis Severson d/b/a Huxley Dry Cleaners	5	Admin. Order/Penalty	AQ	Preziosi	Hearing held 7/17/01. ALJ decision dated 8/1/01 upheld order..
3/21/00	Bruening Rock Products, Inc.	1	Admin. Order/Penalty	WW	Clark	10/23/01 – Settlement acceptance letter from Bruening. 11/8/01 – Field office confirms completion of remedial work/
4/14/00	Stateline Cooperative	2	Admin. Order	HC	Wornson	Tier 2 report submitted 11/28/00. High risk. review for further corrective action.
4/21/00	LT Tap	1	Admin. Order/Penalty	WS	Clark	Negotiating before filing.
4/24/00	Carroll, City of	4	Permit Conditions	WW	Hansen	City to file appeal of final NPDES permit. Prior notice of appeal was in response to draft permit. 10/4/00 – Informal meeting scheduled with city officials to discuss permit issues. Dept. staff discussing how to proceed. 1/31/01 – City Engr to submit preliminary engineering report. 2/28/01 – Dept. received City's preliminary engineering report. 3/2/01 – Dept. letter requesting a schedule G be submitted to complete the report. 3/7/01 – Incomplete schedule G submitted. 3/8/01 – Dept. letter of comments and request that schedule G be resubmitted with required information. 3/9/01 – Revised schedule G submitted. 4/30/01 – WW permit section engineer completed review of revised preliminary engineering report and drafted comment letter. 5/1/01 – Comment letter sent to City by Dept. engineer concerning review

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						of preliminary engineering report. 6/29/01 – Status report requested from WW permits engineer and WS section engineer. 7/5/01 – Response received from City engineer on Dept. letter on revised facility plan. 9/28/01 – Status report requested from WW Permits Section. 10/26/01 – Update from Dept. engr. regarding status of City's project.
4/26/00	State Wide Metal Recycling, Inc.; Fred Bovee	5	Admin. Order/Penalty	SW/HC	Tack	District court ordered clean-up underway. Third party clean-up of site started 2/23/01. Final clean-up to be completed after thaw.
5/10/00	3M Company	5	Admin. Order/Penalty	AQ	Preziosi	Negotiations continue.
6/08/00	Leo Pieper	4	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
6/14/00	Quality Mat Co., Inc.	1	Admin. Order/Penalty	AQ	Book	4/3/01 – Decision affirming the order. 5/21/01 – EPC finalized decision. Settled. Facility will sign a consent order regarding payment. Expect signature by mid-August. 8/01 – Admin. Consent Order signed by facility for payment plan. Signed order received. 9/01 – Everything signed – facility on payment schedule. First payment is due 12/01.
7/13/00	Dan Witt	6	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
8/02/00	Wacker Biochem Corp.	5	Permit Conditions	AQ	Preziosi	Negotiating before filing.
8/11/00	Twin Anchors RV Resort	5	Admin. Order/Penalty	WW	Tack	Construction permit application on file. Responsible part is working with WW section to achieve compliance. Penalty to be negotiated after compliance is achieved.
8/11/00	Kiefer Built	2	Admin. Order/Penalty	AQ	Preziosi	Settled. Penalty payment plan established.
9/05/00	Thomas Kronlage	1	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
9/27/00	Brecht Enterprises, Inc.	6	Admin. Order/Penalty	AQ/SW	Tack	Settlement offer made to former attorney on 11/30/00. Offer renewed 5/2/01 directly to responsible party. New attorney retained by responsible party. Settlement negotiations resumed.
9/27/00	Farmers Cooperative Society (Titonka)	2	Admin. Order Penalty	AQ	Preziosi	Negotiating before filing.
10/02/00	Agriprocessors, Inc.	1	Variance Denial		Murphy	Hearing continued. 5/31/01 – Preliminary engineering report submitted.
10/03/00	Friesen of Iowa, Inc.	3	Admin. Order/Penalty	AQ	Preziosi	Meeting held 6/19/01. Negotiations continue.
10/05/00	Sylvan Acres	1	Admin. Order	WS	Hansen	10/30/00 – Call received from representative of WS concerning installation of required chlorination equipment on two wells at WS until their connection to rural water. Specifics of WS's return to compliance under discussion between WS representatives, FO 1 and Dept. WS section. 2/17/01 – WS to draft new permit to allow use of temporary pellet chlorinators until rural water becomes available. 5/1/01 – Permit status requested from WS section. 6/15/01 – Letter sent

						regarding appeal resolution. 7/6/01 – Letter sent by WS requesting that appeal be held in abeyance pending completion of connection to another water supply. 8/30/01 – Dept. letter to WS agreeing to hold appeal in abeyance until WS connected to alternate water source. Status report requested of WS regarding progress of connection to another source. 9/20/01 – Status report received from WS. Connection to new source to be completed 12/01.
10/06/00	Linwood Mining & Mineral Corp.	6	Admin. Order/Penalty	AQ	Preziosi	Negotiating before filing.
10/06/00	Dodgen Industries, Inc.	2	Admin. Order/Penalty	AQ	Preziosi	Meeting held 6/01. Settlement close.
10/06/00	Duane Crees	6	Admin. Order/Penalty	AQ/SW	Tack	Settled. Penalty payment due 12/31/01.
10/20/00	AGP, Ag Processing	6	Permit Conditions	AQ	Preziosi	Negotiating before filing.
11/17/00	Swisher American Legion - #671	6	Admin. Order/Penalty	WS	Tack	Compliance to be reviewed through 10/01. Penalty negotiations to begin after review. 9/01 – Remedial measures completed. Additional testing under way.
11/17/00	James Nizzi d/b/a Alice's Spaghettiland	5	Admin. Order/Penalty	WS	Hansen	Settlement conference held 1/17/01. Settlement offer drafted. 2/14/01 – WS completed public notice of violations. 5/1/01 – Settlement offer discussed with attorney for WS. 5/22/01 – Counter offer by WS discussed with attorney. Letter to follow confirming discussion. 6/15/01 – Letter received from WS attorney regarding re-connection to Clive system. 8/31/01 – Follow-up to check on status of connection to alternate water source. 9/27/01 – Work to be done by City of Clive in 10/01. 10/31/01 – Per City of Clive, work begun on city water main to area of WS. 11/6/01 – Settled. Facility agreed to pay penalty in installments. 11/29/01 – First installment of penalty received.
11/20/00	Randy Golden d/b/a R. Excavating	4	Admin. Order/Penalty	WW	Tack	Proposed decision issued 11/21/01 upholding AO. Deadline for appeal to EPC is 12/21/01.
11/21/00	Knox Corporation	6	Admin. Order/Penalty	UT	Wornson	Settled. Penalty received 11/02/01. Case closed.
11/22/00	Fansteel-Wellman Dynamics	4	Permit Conditions	SW	Tack	Hearing set for 12/20/01.
11/28/00	AGP Ag Processing (Emmetsburg)	6	Permit Conditions	AQ	Preziosi	Negotiating before filing.
12/01/00	Postville, City of	1	Admin. Order	WW	Murphy	Mediation conducted 3/1/01. Compliance proposal submitted 4/2/01. Preliminary engineering report submitted 5/31/01.
12/05/00	Braddyville, City of	6	Admin. Order/Penalty	WW	Hansen	4/30/01 – FO4 contacted regarding appeal and facility compliance with order. 5/10/01 – Sent to DIA to be set for hearing. 6/27/01 – Meeting with City officials and attorney regarding settlement. 7/17/01 – FO 4 letter to City giving City until late 10/01 to further comply with order. 7/23/01 – Conference call with ALJ. Hearing rescheduled for 11/30/01. Petition due

						11/5/01. 8/8/01 – FO4 letter to City concerning necessary operation and maintenance to return to compliance. 10/17/01 – FO4 letter to City regarding status of compliance with order. 11/28/01 – Hearing continued due to illness of City Attorney's brother. Hearing rest for 2/8/01.
12/12/00	Keokuk Landfill, Inc. and Keokuk Contractors, Inc.	6	Admin. Order	SW	Tack	Case settled. Work to be completed in 2002.
12/12/00	University of Northern Iowa	1	Permit Modification Denial	AQ	Book	Facility still intends to resubmit the application. Waiting on consultant and other projects.
12/27/01	West Central Cooperative		Permit Denial	AQ	Preziosi	8/30/01 – Settled. Case closed.
1/11/01	Guardian Industries	1	Permit Conditions	AQ	Book	Mtg. held 8/17/01; construction permits currently reviewing additional information that has been submitted. Permits that will resolve the appeal are on public comment now.
2/05/01	Fred Konfrst	4	Admin. Order/Penalty	AQ/SW	Tack	Compliance achieved. Penalty settled for \$2,500 to be paid in 5 payments. First penalty payment received.
2/21/01	John Saathoff	2	Admin. Order/Penalty	AQ	Book	FO reports that site is in process of being cleaned up. Unable to locate Mr. Saathoff to discuss penalty. Letter sent. He has until 8/31/01 to respond or will request hearing on penalty. He had done some clean-up, some remains. Awaiting his response. He did not receive previous letter so another was sent with new deadline of 9/28/01. Letter was received. Mr. Saathoff's family will work with Dept. to resolve matter.
2/23/01	Don Anderson; Brentwood L.L.C.	5	Admin. Order/Penalty	WW	Murphy	10/19/01 – Settled. Penalty paid. Case closed.
2/27/01	Floyd Kroeze	2	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
3/19/01	Sunnybrook Mobile Home Park	5	Admin. Order/Penalty	WW	Hansen	5/1/01 – FO5 contacted regarding settlement and compliance with order. 5/11/01 – Letter to City engineer regarding settlement of penalty upon completion of upgrade. 5/21/01 – City engineer letter stating they agree that Dept. could hold appeal in abeyance pending completion of upgrade. 6/01 – Dept. agreement to hold appeal in abeyance pending upgrade of facility. 11/30/01 – Status report requested of FO 5 concerning whether construction project completed.
3/22/01	Kay Enterprises, Inc.	1	Admin. Order/Penalty	AQ	Book	Settled. Facility has signed a consent amendment with reduced penalty. 8/01 - Director's signature received. Awaiting penalty payment. 10/18/01 – Letter sent to facility requesting penalty payment. 11/02/01 – Penalty received. Case closed.
3/27/01	Carter Lake, City of	4	Admin. Order/Penalty	SW	Tack	City is reviewing compliance options. Update due to Department 8/22/01. Hearing set for 1/11/02.
3/27/01	Bonaparte, City of	6	Permit Conditions	WW	Hansen	3/28/01 – WW permits contacted for information on appeal issues. 5/8/01 – City Clerk and operator contacted concerning appeal. 6/14/01 – City council meeting to

						consider approval of preliminary plan of action. 7/11/01 – Dept. received preliminary plan of action from City; under review by WW permits section and FO. 8/6/01 – FO6 letter to City requiring submittal of Plan of Action by professional engineer by 1/1/02.
4/04/01	The Woods at Fox Hollow Homeowners Assn.	6	Permit Conditions	WS	Hansen	4/18/01 – Discussion with appellant regarding compliance status of WS and permit appeal. FO6 to meet with appellant. 5/23/01 – WS section supervisor attended meeting with residents to discuss appeal. 6/20/01 – Status report requested from WS section. 7/20/01 – Status report requested from WS section. 7/23/01 – Status report received; appeal still under review by WS section. 8/2/01 – WS section letter to WS regarding appeal. 8/23/01 – Dept. sent follow-up letter to WS regarding appeal and monitoring requirements. 8/23/01 – WS sent letter to WS section stating monitoring would be initiated. WS has begun to monitor but has not completed all required monitoring. 11/17/01 – Dept. copied on letter from homeowner's association to developer concerning installation of a third well for the subdivision.
4/13/01	West Central Cooperative	4	Permit Denial	AQ	Preziosi	Meeting set for 12/03/01.
4/16/01	Richard Thompson; Thompson Auto Parts	5	Admin. Order/Penalty	SW/WW	Tack	Clean-up underway. Penalty to be reviewed after completion of site clean-up.
4/27/01	Ag Processing Inc.	4	Permit Conditions	AQ	Preziosi	Negotiating before filing.
5/01/01	Onawa Country Club and Golf Course	4	Admin. Order/Penalty	WS	Tack	Negotiating before filing.
5/03/01	Harlan Municipal Utilities (Hallett)	4	Water Use Permit	WR	Clark	9/4/01 - Hearing continued indefinitely pending settlement negotiations. 11/21/01 – Harlan files dismissal of appeal.
5/04/01	EnviroBate Management Services	5	Admin. Order/Penalty	AQ	Book	9/01 – Agreement reached. Consent amendment sent. Awaiting signed consent amendment and penalty payment. Facility signed and returned consent amendment. Awaiting Director's signature and penalty payment. Consent amendment signed and issued. Awaiting penalty payment.
5/07/01	James Kitchen; Kitchen Construction	1	Admin. Order/Penalty	SW/AQ /FP	Tack	Settlement offer accepted. \$4,000 due on 11/01/01. 11/07/01 – Penalty received. Case closed.
5/08/01	JEMCO; Bud Nelsen	4	Admin. Order/Penalty	UT	Wornson	Compliance initiated. Negotiating penalty.
5/10/01	Hackert's Wood Products, Inc.	6	Permit Denial	FP	Clark	Negotiating before filing.
5/17/01	Plano, City of	5	Admin. Order	WW	Hansen	9/28/01 – Dept. letter to City regarding appeal. 10/10/01 – Response received from Mayor regarding appeal and CDBG pre-application.
5/25/01	Shewry L.P.; Don Shewry	1	Admin. Order/Penalty	WW	Murphy	10/01 – Settlement proposals exchanged.
5/29/01	Wayne Wheatley fdba Wheatley Auto and Truck Service	3	Admin. Order/Penalty	UT	Wornson	Negotiating before filing.

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5/29/01	Burco Farms, Inc.	1	Admin. Order/Penalty	AFO	Clark	Negotiating before filing.
5/30/01	GMNW Investments, L.L.C.	4	Admin. Order/Penalty	WW	Murphy	6/22/01 – Letter sent regarding settlement; compliance visit will be made.
6/13/01	Gene Moeller Oil Co.	2	Admin. Order/Penalty	UT	Wornson	Negotiating before filing.
6/18/01	Noble Ford Mercury	5	Admin. Order/Penalty	WW	Hansen	7/19/01 – Letter sent to company regarding appeal. 8/15/01 – Company letter to Dept. agreeing to schedule in the order.
6/19/01	Eagle Investors, LLP d/b/a Manson Ampride	4	Admin. Order/Penalty	UT	Wornson	Negotiating before filing.
6/19/01	John Hoth	5	Admin. Order/Penalty	UT	Wornson	Negotiating before filing.
6/25/01	Used Tire Sales & Service, Inc.	2	Admin. Order/Penalty	SW	Tack	Hearing set for 1/03/02. Depositions to be scheduled.
6/27/01	Dostal Construction	5	Admin. Order/Penalty	AQ/SW	Tack	Settlement offer sent 7/18/01.
6/27/01	Tama Beef Packing, Inc.	5	Admin. Order/Penalty	SW/W W	Hansen	Hearing scheduled for 10/22/01. Petition received 9/17/01. 10/05/01 – Answer filed by Dept. 10/16/01 – Hearing continued until 11/19/01 at request of company attorney. 11/20/01 – Tama Beef filed for bankruptcy. Hearing continued by ALJ due to automatic stay provision.
7/02/01	Bulk Petroleum Corp. d/b/a Citgo	5	Admin. Order/Penalty	UT	Wornson	Negotiating before filing.
7/02/01	Farmland Industries, Inc. (Manson Ampride)	4	Admin. Order/Penalty	UT	Wornson	9/21/01 – penalty payment received. Case closed.
7/02/01	James A. Clark	4	Admin. Order/Penalty	UT	Wornson	11/01/01 – Sent inability to pay forms.
7/10/01	Midway Oil Co. (West Branch – 8603858)	6	Admin. Order/Penalty	UT	Wornson	Negotiating before filing.
7/10/01	Midway Oil Co. (Davenport – 8602775)	6	Admin. Order/Penalty	UT	Wornson	Negotiating before filing.
7/11/01	Lester Davis	5	Admin. Order/Penalty	AQ	Preziosi	Settlement close.
7/13/01	Charles Hagedorn	3	Admin. Order/Penalty	AQ	Book	Party had nothing to do with fire. FO had incorrect facts. Awaiting consent amendment removing penalty. Signed consent amendment returned. Order signed by Director and issued. Case closed.
7/16/01	Midland Transportation Co.	1	Admin. Order/Penalty	UT	Wornson	Midland filed for bankruptcy.
8/09/01	Nevada, City of	5	Admin. Order/Penalty	UT	Wornson	Informal settlement reached.
8/13/01	ABC Disposal Systems, Inc.	1	Admin. Order/Penalty	SW	Tack	Hearing set for 1/07/02.
8/15/01	Trajet Products, Inc.	4	Admin.	AQ	Preziosi	Meeting held 8/29/01. Negotiations continue.

			Order/Penalty			
8/17/01	Long Branch Maintenance Corp.	5	Admin. Order/Penalty	WW	Hansen	Informal meeting held at FO 4 on 9/17/01. Tentative agreement reached on revised schedule.
8/21/01	Clinton, City of	6	Admin. Order/Penalty	WW	Hansen	9/20/01 – Penalty received.
8/21/01	Earlham, City of	5	Admin. Order/Penalty	WW	Hansen	Informal meeting held at FO 5. 10/31/01 – Dept. settlement offer to City. 11/21/01 – City attorney responded to Dept. settlement offer with counter offer. 11/29/01 – Dept. follow-up letter to City.
8/27/01	Lehigh Portland Cement Co. (42)	2	Permit Conditions	AQ	Preziosi	Negotiating before filing.
9/25/01	Lawrence Lenertz	5	Admin. Order/Penalty	UT	Wornson	Negotiating before filing.
9/28/01	Bob Luke d/b/a D & R Tree Service	6	Admin. Order/Penalty	AQ/SW/ WW	Tack	Negotiating before filing.
10/02/01	Daryl Larson	6	Admin. Order	AFO	Clark	Negotiating before filing.
10/02/01	Lawrence "Bub" Korver d/b/a Korver Development Co.	3	Admin. Order/Penalty	WW	Tack	Negotiating before filing.
10/03/01	Mark Broderick	5	Admin. Order/Penalty	WW	Murphy	10/10/01 – Settlement offer.
10/08/01	Ervin Jones; City of Swisher	6	Certification Denial	WW	Wornson	Negotiating before filing.
10/22/01	Gemini Incorporated		Permit Conditions	AQ	Preziosi	Negotiating before filing.
10/26/01	Postville, City of	1	Certification Suspension	WS	Wornson	Negotiating before filing.
10/26/01	Riceville, City of	2	Admin. Order/Penalty	AQ/SW	Book	New case. Mtg. scheduled for 12/03/01.
11/01/01	Feeders Grain & Supply, Inc.; James Curtis; Carolyn Curtis	4	Admin. Order/Penalty	WW/HC	Wornson	New case.
11/07/01	Sir Fredericks, Inc.	5	Admin. Order/Penalty	UT	Wornson	New case.
11/08/01	Finney Industrial Painting	6	Admin. Order/Penalty	AQ	Book	New case. Meeting tentatively set for first week in December.
11/12/01	Allison Ag Center	2	Admin. Order/Penalty	WW/HC	Murphy	New case. Fish restitution received. Penalty settled. Amended AO to be issued.
11/14/01	Bee Rite Tire Disposal, Inc.	5	Notice of Intent to Revoke Permit	SW	Tack	New case.
11/19/01	Advanced Component Technologies	2	Admin. Order/Penalty	AQ	Book	New case.
11/19/01	Clearfield Community School District	4	Admin. Order/Penalty	WW	Hansen	New case.
11/21/01	Clearfield, City of	4	Admin.	WW	Hansen	New case.

			Order/Penalty			
11/26/01	LeMars, City of	3	Admin. Order/Penalty	WW	Hansen	New case.
11/27/01	Dallas County Care Facility	5	Admin. Order/Penalty	WW	Hansen	New case.

During the period November 1, 2001 through November 30, 2001, 3 reports of wastewater by-passes were received. A general summary and count by field office is presented below. This does not include by-passes resulting from precipitation events.

Month	Total	Avg. Length (days)	Avg. Volume (MGD)	Sampling Required	Fish Kill
October	9(5)	1	.0211	0	0(0)
November	3(1)	1	0.00163	2	0(0)
December	1(0)	1	.015	1	0(0)
January	5(0)	1.4	.323	3	0(0)
February	2(0)	1	.00035	0	0(0)
March	10(0)	1.4	.4199	1	0(0)
April	3(0)	1.1	0.057	1	0(0)
May	10(0)	14.51	0.047	5	0(0)
June	6(0)	2	0.049	0	0(0)
July	6(0)	1.2	0.069	1	0(0)
August	9(0)	1.78	.044	0	1(0)
September	5(0)	1	.005	3	0(0)

(numbers in parentheses for same period last year)

Note: data not previously collected,
thus no data for the previous year

Total Number of Incidents Per Field Office This Period:

1	2	3	4	5	6
0	1	0	0	1	1

INFORMATION ONLY

GENERAL DISCUSSION

Commission decided that it would hold the legislative breakfast on Wednesday, January 23, 2002.

Jeff Vonk briefed the Commission on the proposed DNR restructuring. He said the Department is proposing to consolidate the seven divisions into three and reducing the number of bureaus from 21 to 16. The Department is also working on a plan to decentralize the Environmental Protection bureau and get more staff out closer to the people that are being served. The final portion of the proposal is returning to a more park based staffing plan for the Parks Bureau.

ADJOURNMENT

With no further business to come before the Environmental Protection Commission, Vice-Chairman Murphy adjourned the meeting at 5:00 p.m., Monday, December 17, 2001.

Jeffrey R. Vonk, Director

Terrance Townsend, Chair

Rita Venner, Secretary

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